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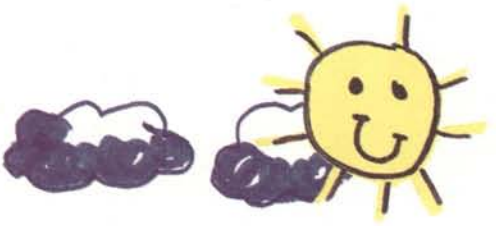

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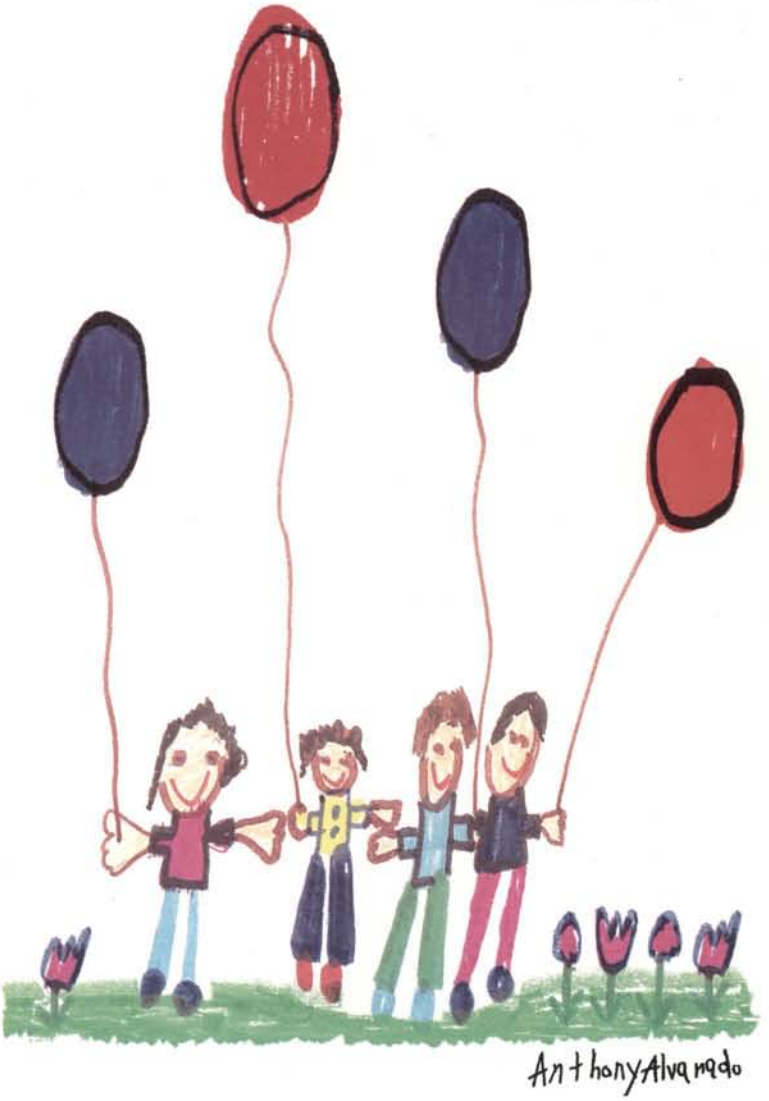


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# NATIONAL REVIEW

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NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by National Review, Inc., at 150 East 35th Street, New York, N.Y. 10016. Second-class postage paid at New York, N.Y., and additional mailing offices. ©National Review, Inc., 1995. Address all editorial mail, manuscripts, letters to the editor, etc. to Editorial Dept., NATIONAL REVIEW, 150 East 35th Street, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc. to Circulation Dept., NATIONAL REVIEW, P. O. Box 668, Mount Morris, Ill. 61054-0668; phone, 815-734-1232, Monday–Friday, 7:30 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., National Review, 150 East 35th Street, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to Circulation Dept., NATIONAL REVIEW, P. O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A.



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# Letters

### *Fighting for the Poor*

I enjoyed Rael Jean Isaac's in-depth, well-researched, and timely look at the abuses of the Legal Services Corporation ["War on the Poor," May 15]. As a state legislator from northwest Ohio, I received many letters, such as mentioned in the piece, in opposition to lawsuits filed by Advocates for Basic Legal Equality (ABLE) against farmers. Farmers in several Ohio counties have rightfully objected to ABLE's taxpayer-paid advantage against them.

Toledo's ABLE office receives a biennial state-government budget subsidy of $250,000 on top of its generous federal subsidy. However, the new Republican majority in the Ohio House of Representatives eliminated this budget subsidy in April, and the prospects are good that the Senate will exclude these unnecessary ABLE subsidies in its budget next month. Thanks for your focus on a significant issue.

*Randall Gardner*
*Ohio House of Representatives*
*Columbus, Ohio*

More articles from Mrs. Isaac about Legal Services, please. She did a splendid job of telling it like it is.

*Edwin H. Comber*
*Atlanta, Mich.*

Rael Jean Isaac accuses the Legal Services program of Sixties-style radicalism, but it is her rhetoric that is stuck in that era. What must be challenged is the twisting of facts to support a premise that is unsupportable: that Legal Services hurts poor people.

For too long, Mrs. Isaac writes, the Legal Services Corporation has been identified with the quest for justice for the poor in civil cases. There's a reason: that is precisely what the Legal Services program is about. It helps 1.7 million poor individuals and families a year with housing, family, consumer, job, income support, and other civil legal problems. Such concerns may sound routine, but they can be devastating to poor persons on the very edge of economic survival.

Legal Services attorneys spend most of their time advising and negotiating rather than litigating: only about 8 per cent of their cases are closed with court decisions, and another 4 per cent with administrative rulings. The lawyers provide their clients *access* to the American system of justice, but they don't make the laws—Congress and state legislatures do. Judges and juries, not the legal corps, interpret the law and decide the cases. To quarrel angrily with the results, when the courts uphold the rights of the poor, is to disagree with the American justice system itself.

Sometimes, in a tiny minority of cases, Legal Services attorneys become involved in controversial cases. It is not surprising, because the lives of the poor often reflect social problems still unresolved by our political system. Right now, for example, the country is in the process of redefining our concept of welfare. A Legal Services attorney attempting to secure a welfare recipient's rights under the law—what any lawyer does for a client—now is hit with blasts of controversy. In a few cases, the safety concerns of public-housing residents are pitted against the rights to due process of persons charged with but not convicted of drug dealing. Should an entire family be put out on the street without due process because of unproven allegations against one member? Should the poor working families who do the hard work of harvesting crops not have lawyers to help secure the protections Congress provided them against health, safety, housing, and wage violations? A charge that Legal Services lawyers abuse the judicial process in such cases does not hold water because the courts can and do sanction such conduct. Mrs. Isaac cites no such sanctions.

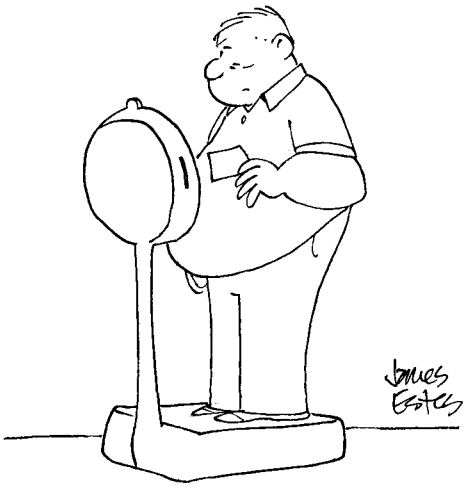
President Nixon put it well in 1971, when he proposed creating the Legal Services Corporation and emphasized its need for independence. "The program is concerned with social issues and is thus subject to unusually strong political pressures. . . . However, if we are to preserve the strength of the program we must make it a permanent part of our system of justice."

*Clinton Lyons*
*National Legal Aid & Defender Ass'n*
*Washington, D.C.*

*As head of NLADA, the trade group for Legal Services lawyers and public defenders, Clinton Lyons understandably wants us to believe in the myth that Legal Services serves the poor. The reality, as Senator Orrin Hatch pointed out a decade ago, is that Legal Services is a "political movement." No one knows this better than Mr. Lyons himself, who, as a high executive in LSC, was a key player in "saving the rubies"—the most political parts of the program—in the Reagan years. As part of that effort, $2 million was transferred to NLADA, with Mr. Lyons shortly after becoming its executive director. He is right on one point: courts and legislatures have made it possible for Legal Services to forge its trail of devastation. But if thus far there has been plenty of blame to go around, the buck stops here and now, with Republicans dominant in both Houses. If the Republicans are serious about the reforms enacted and promised, Legal Services* must *be defunded. Otherwise it will litigate those reforms away with funds provided by this same Republican Congress.* —RJI

### *Simpler Pleasures*

Your recent special section on "Pleasure and Its Perils" [May 1], as well as your regular "Delectations" ["Books, Arts & Manners"], tends to focus on methods of gratification rather foreign to me. As a conservative Protestant minister, the joys of fine wines and fine cigars are, for the most part, taboo. Based on the average salary I can expect as a member of that profession, I find first-class hotels and gourmet restaurants well beyond my means. And as the parent of three children who refuse to eat any dish with a visible number of component ingredients greater than two, most of the joys of com-

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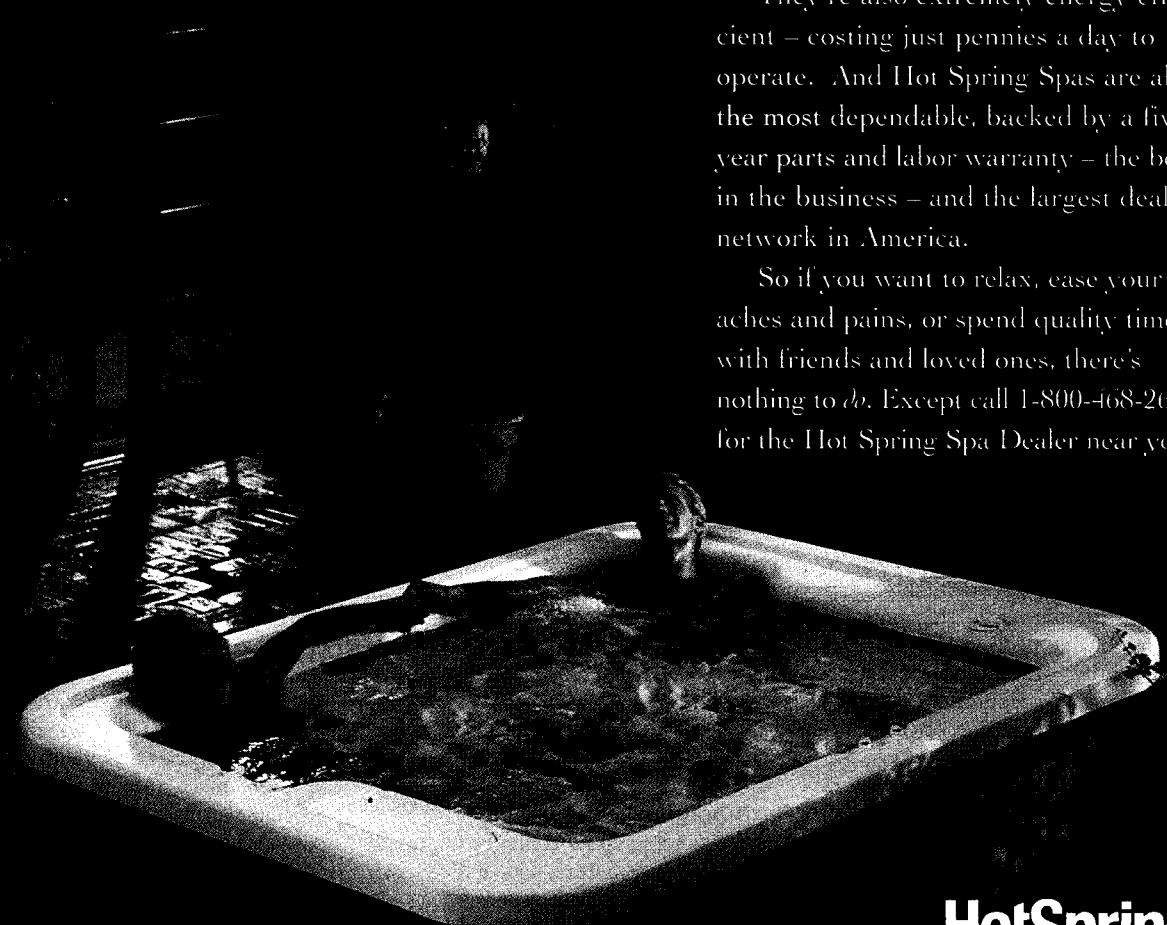

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plicated home cooking are denied to me.

Perhaps someone in your circle of contributors could (if only occasionally) discuss simpler pleasures—those more accessible and affordable—for the benefit of fiscal and moral conservatives like myself who have not yet attained (and may never attain) the level of prosperity necessary to sample the delights usually extolled in your magazine. My family and I have found some of our own, but we'd never turn down an opportunity for more.

*Rev. Jeffrey L. Rudloff*
*Pottsville, Pa.*

### *Abortion and Welfare*

The National Right to Life Committee's letter originally submitted to NATIONAL REVIEW ["Letters," May 22] detailing aspects of welfare reform which will increase abortion rates appeared in an edited form that omitted several key points: The "illegitimacy ratio bonus" plan, included in the House welfare bill, HR-4, pays states a bonus (up to 10 per cent) in federal welfare funds for reducing the ratio of out-of-wedlock births according to a stipulated formula. NRLC opposed the plan since the formula used does allow the number of abortions to *increase* while a state reaps the bonus. NRLC suggested requiring that a state's abortion rate not increase in order to qualify for the bonus, but that was not considered.

The "family cap," which prohibits cash assistance for children born to mothers already receiving assistance for a child, was modified by adoption of the NRLC-supported Smith Amendment. The amendment allows a state to provide vouchers for a child born to a mother who is already receiving assistance for another child. The vouchers can only be used for goods suitable for the care of the baby. Certainly no woman would intentionally become pregnant for "diaper vouchers."

With abortion readily available, any legislation to discourage births must be designed so as not to increase abortion rates—especially since approximately half of the AFDC population lives in states that pay for abortion on demand with state funds.

*Wanda Franz, PhD*
*President, NRLC*
*Washington, D.C.*

### *Bipartisan Foreign Policy?*

Shed of some partisan polemic, Peter W. Rodman's "heretical" observations about foreign policy ["Points of Order," May 1], do not seem so heretical and uniquely Republican after all. For example, the current Administration does take the reality of Russian nationalism seriously, does support NATO, does maintain close ties with Germany and Japan, etc.

Mr. Rodman wants us to spend somewhat more on defense, but disagrees with the military deployment in Haiti. He is assertively internationalist, but disapproves of the Administration's multilateralism. These assertions are fair ground for good-faith disagreement between internationalists with similar objectives. Thinking Democratic internationalists may disagree that we are stronger in the long run by borrowing more than we currently do for the military. We disagree that the Haitian regime should have been allowed to break promises with impunity. But why not debate these issues while more clearly emphasizing that they exist *within* a broad agreement on international objectives that could provide the basis for a new bipartisanship in foreign policy?

Today the greatest threats to that American role arise from Buchanan-style isolationism and people from both political parties who inevitably will hamstring defense spending by pushing too much of its financial burden on borrowed funds.

*Bill White*
*Deputy Secretary of Energy*
*Washington, D.C.*

*Unfortunately, the isolationist currents have been fed by the Administration's "multilateralist" misadventures. A bipartisan consensus is the best hope for sustaining our foreign policy, but it needs to be grounded more firmly in U.S. strategic interests. If the Administration is being pushed in this direction by the Republicans, all to the good.* —PWR

### *Surviving High Tech*

As a person balanced on the edge of surrender, I found that Florence King's "Scriptophobia" ["The Misanthrope's Corner," May 1] validated and revived my hope that out there in the vast high-tech world, a few stubborn souls with heels dug in still cherish top-drawer letters. Thank you, Miss King. We may survive yet!

*Jane B. Raborg*
*Safford, Ariz.*

### *Bach Blasphemies*

When asserting views contrary to prevailing positions, scholars, I've noticed, will often couple their own opinions with the word "heresy," conjuring up images of embattled Arians after the Council of Nicea. Ralph de Toledano, suggesting that J. S. Bach "never attained the musical depths and heights of Monteverdi," boldly writes: "If this is heresy, so be it."

Well, now, arguing that Monteverdi is greater than Bach is not heresy—quite wrong, I should like to add, but clearly not heresy, for unlike Arius's, Mr. Toledano's position will not—probably not, anyhow—send him to Eternal Perdition. To say that Mr. Toledano has stopped short of heresy, however, is not to say that he has no need of repentance, and as he has, I think, shown more good taste on musical matters than anyone else I can think of, surely, given time, he will turn from his waywardness.

*Barton Swaim*
*Charlotte, N.C.*

I cannot help likening the sentiment Mr. Toledano expresses to one along the lines of "Shakespeare never attained the poetic heights or depths of Marlowe." Bach *is* musical height and depth.

*David B. Hart*
*Charlottesville, Va.*

### *Courage and Honor*

Regarding Rich Lowry's snide "Word of Mouth" [May 1]: Alan Keyes is an honorable man with the courage to stand against the political hackery of the present stable of Republican candidates. Having followed the career of Mr. Keyes for several years, I believe that not only does he have his head on straight—a rare quality—he is also a dynamic speaker who understands the issues, the tactics of the opposition, and the fact that pandering to feminist vipers won't win any votes, even for wimps not daring to oppose them—a lesson other Republicans never seem to learn.

*Jo Benzow*
*Green Bay, Wis.*

### *19 Inches Thick*

When I saw Harold Johnson's reference ["Blowing in the Wind," May 15] to Pete Wilson's promise to "shred the phone-book-sized education code," I thought that seemed a small size for any code produced by this state's overproductive lawmakers, so I checked my office's library shelves. Governor Wilson needs a powerful shredder. No phone book is as large as the California Education Code, which, in the West edition, comprises 11 volumes (19 inches of shelf space). Its provisions run from Section 1 through Section 99,256, surpassed by only the intricate Public Utilities Code, which runs through Section 250,000.

Of California's 29 codes (covering 32 feet of shelf space), only 3 are as small as a phone book: the Harbors & Navigation Code, the Military & Veterans Code, and the Public Contracts Code.

*Douglas G. Chapman III*
*San Francisco, Calif.*



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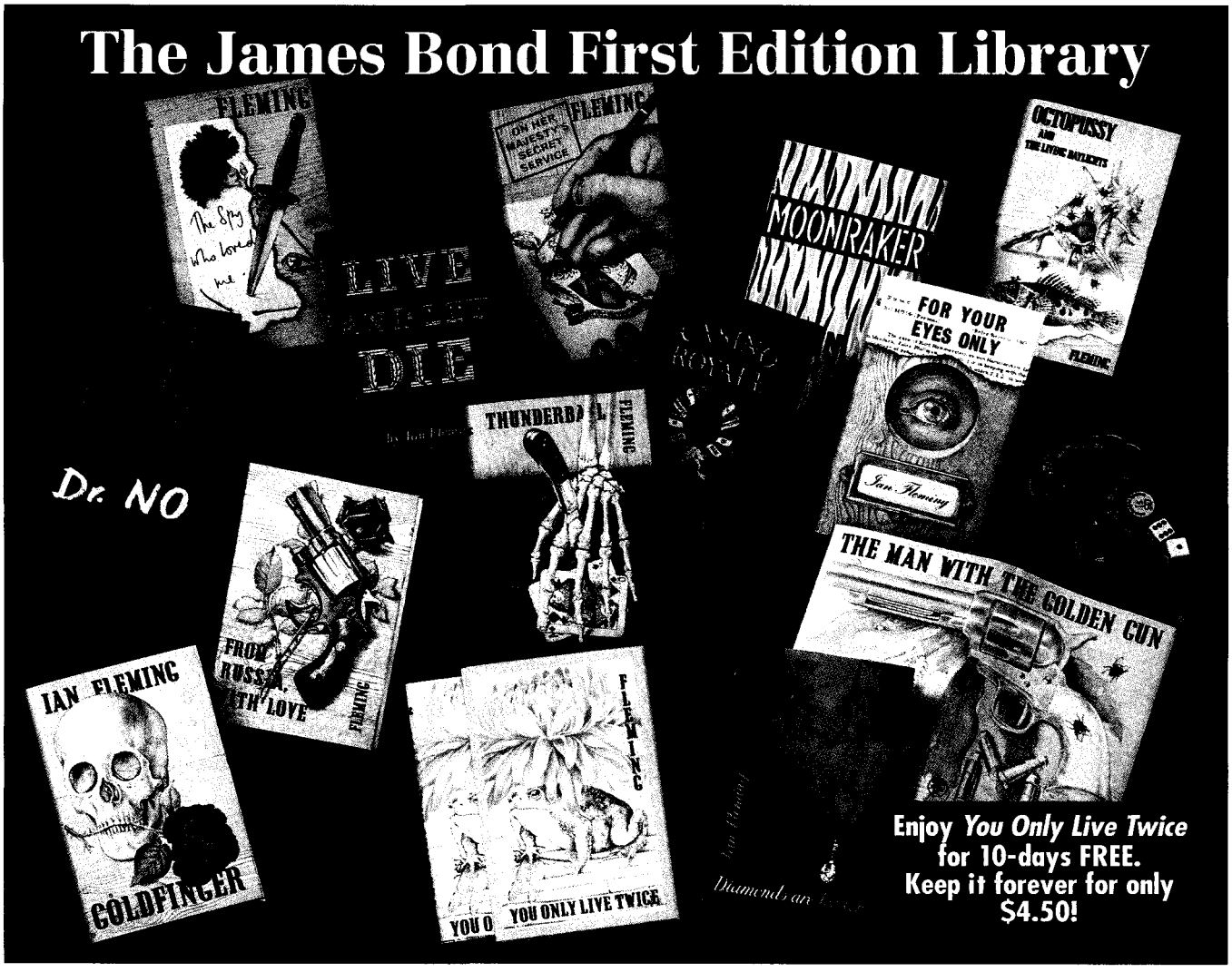


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## FROM THE EDITOR

# The Executioner's Song

■ NATIONAL REVIEW strongly disagrees with Ernest van den Haag's advocacy of a right to suicide in this issue, and we will be publishing a reply by Robert P. George next time.

In one respect, however, Professor van den Haag's article can be read as a further confirmation of Dostoyevsky's Christian prediction that "without God everything is possible."

When I first came across this remark as a young man, I interpreted it in an optimistic, even envious, light: If one did not believe in God, one could have a helluva good time.

As time goes by, though, I can't help noticing that even the most hedonistic pagans don't seem to enjoy themselves very much. Camille Paglia may be an exception, but in general there is an earnest and self-improving side to their pursuit of pleasure. No cigarettes, no booze, no red meat, and no avoidance of pain either—on the contrary, lots of exercise.

And the things that are possible without God now include some with an increasingly menacing aspect to them. In the days when "mercy killing" was almost universally regarded as a crime deserving at least a short prison sentence, the public often felt sympathy for a man who had given an overdose of drugs to a wife suffering from an agonizing terminal disease. He was thought to have acted wrongly, but under the stress of powerful emotions and from kind motives, and he was generally treated well in prison.

But you have to wonder about the motives of Dr. Kevorkian, who wants to market hemlock to all and sundry. Even supporters of capital punishment have traditionally shunned the executioner. He hardly becomes more appealing because his victims are volunteers.

■ P. T. Bauer (*NR*'s candidate for the next Nobel Prize in economics) is fond of quoting the aphorism: "In a drop of rain can be seen the colors of the sun."

One such raindrop fell last week in the *New York Times*. It reported the outcome of a case last year in which four commuters had been arrested on an evening train to Westchester by a plainclothes policewoman. They had been playing cards.

The four desperadoes were "taken off the train, handcuffed, placed in holding cells, fingerprinted, and photographed. They were then charged with possessing a gambling device: a deck of cards."

Since then, an embarrassed silence has reigned. The Manhattan DA's office quietly dropped the charges. The railroad company has been discreetly assuring the many other card-players on the evening trains that these arrests did not "signal a crackdown." And the four men have accepted an estimated $30,000 compensation each as part of a confidential settlement.

Now, what was a plainclothes policewoman doing, cracking down on poker-playing commuters, when New York is rife with muggings, car thefts, rapes, murders, and burglaries?

Rest assured that her encounter with the gamblers was pure accident and no part of her duties. She had boarded the train "in search of smokers."

Thus proceeds the criminalization of everyday life while criminality flourishes undisturbed. "In a drop of rain . . ."

■ Thomas Sowell concluded a recent column by asking for a debate on immigration "between those who deal in facts and logic." He suggested that Julian Simon would be the best pro-immigration advocate and that "Peter Brimelow's *Alien Nation* makes him a top choice for the contrary position."

As it happens, this debate took place at a recent National Review Institute conference, and I believe it more than satisfied Professor Sowell's conditions. As well as facts and logic, the two debaters also dealt in wit and good humor—no mean feat on the topic under discussion.

The debate is preserved on video. Would those who wish to see it please write to me. I will bargain for them with the NRI. —JOHN O'SULLIVAN



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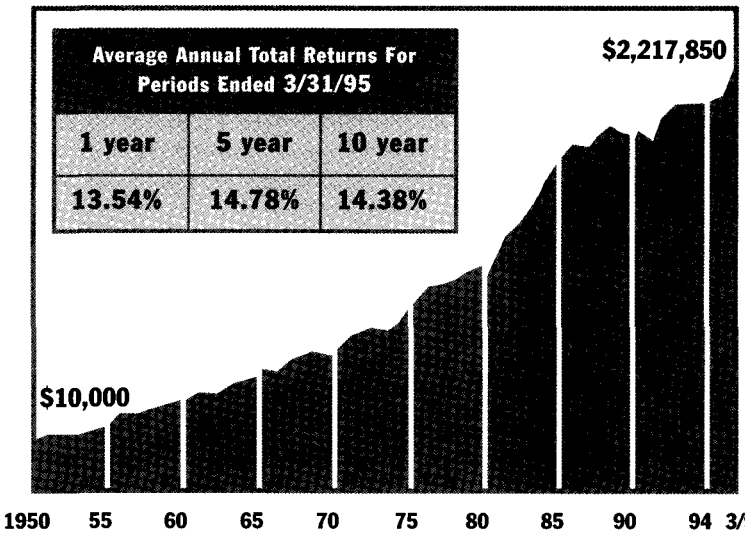
## Neuberger & Berman Guardian Fund Performance

| Average Annual Total Returns For Periods Ended 3/31/95 | | |
|---|---|---|
| 1 year | 5 year | 10 year |
| 13.54% | 14.78% | 14.38% |




# "Lots of funds have a few years of good performance. We've had nearly a half century."

**Kent Simons**
*Co-Portfolio Manager,*
*Neuberger & Berman Guardian Fund*

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## FOR THE RECORD

■ "His political consultants tell him it's good to posture," **Newt Gingrich** told *USA Today* about **Bill Clinton**'s decision to oppose GOP budget plan while not offering alternative. But reading habits of White House aides may actually account for Clinton's risky strategy. **David McCullough**'s best-seller, *Truman*, is all the rage at 1600 Pennsylvania Avenue, as staffers believe its description of 1948 memo by liberal lawyer **Joseph Rauh** offers a battle plan for '96. Rauh argued that **Harry Truman** could win by constantly confronting GOP Congress and making its supposed partiality to the rich central issue in presidential race. But current Hill Democrats (who note that Clinton once pledged to aim for balanced budget) are uneasy with 47-year-old plan that has forced them to vote against first real attempt to end deficits. "There is a widespread concern that we Democrats appear to be for the status quo because we have proposed no constructive alternative," said Rep. **Charles Stenholm** (D., Tex.). Even *Washington Post* took Dems to task. . . . In recent presidential beauty contest three thousand Colorado Republicans expressed preference for **Bob Dole** but wildly applauded **Phil Gramm**'s speech and booed **Arlen Specter**, who supported abortion and said it was "sacrilegious" to invoke name of God in politics. . . . **Pat Buchanan** bid continues to look more realistic, as recent New Hampshire poll shows him running second to Bob Dole. But Religious Right's leaders are wary about former **Nixon** aide as spokesman for their cause, and Buchanan in turn is critical of them. After boffo Capitol Hill press conference by **Ralph Reed** announcing his Christian Coalition's *Contract with the American Family*, Buchanan told *Wall Street Journal*'s **Al Hunt** that contract didn't go far enough and called for "more boldness." Campaign manager **Bay Buchanan** complained that some leaders of social conservatives are talking down her brother to their troops—"They're going over backward to keep them from going with us. But they are having no luck; the grass roots is coming over in droves." But friction between Buchanan camp and religious conservative leaders could mean trouble. As GOP Wisconsin chairman **David Opitz** notes, "The religious conservatives aren't trying to get a nose under the tent any more. They are the tent."

■ Two takes on new Whitewater probe headed by Sen. **Alfonse D'Amato** (R., N.Y.) and approved by Senate 96 to 3. From Clinton political guru **James Carville**: "The country's going to end up spending $60 million to investigate a land deal where everyone lost money and did nothing wrong." But *Washington Times* editor and Arkansas native **Wesley Pruden** writes that home-state inquiry means "wombats, wampus cats, and geezibillies of all kinds, each uglier than the other, will be crawling over hill and hollow and out of swamps and bayous." . . . Another ethical sore spot in Administration, health-care guru **Ira Magaziner**—accused of making false statements in federal affidavits—is not being abandoned by his mentor, **Hillary Clinton**. But First Lady's attempt to get him new job nixed by Treasury officials.

*"You can always tell a freshman congressman!"*

■ Media giant Time Warner, whose publications and films reflect moral snootiness of elitist liberals, is getting hard time from *Book of Virtues* author **William Bennett**. *Wall Street Journal* reports that in 60-second TV commercial sponsored by Empower America, Bennett blasts Time Warner for making huge profits from rap music which "celebrate[s] the rape, torture, and murder of women." Bennett has challenged Time Warner executives to "stand up and say these lyrics in public." . . . Besides emphasizing anti-religious themes, former Surgeon General **Joycelyn Elders** says in *Playboy* interview that she is a big fan of **Ted Kennedy** because of his "values." And adds: "He's the Washington person I would most want to be like."

■ Japanese companies have had paper losses on overseas investments of "close to three quarters of a trillion—trillion—dollars," **Steve H. Hanke** of Johns Hopkins University writes in *Forbes*. . . . Deal with **Fidel Castro**, which has U.S. sending back refugees, came as shock even to State Dept. desk officers. Besides State bigwig **Peter Tarnoff**, other secret negotiator was National Security Council aide **Morton Halperin**, whose nomination to Defense post conservative senators killed last year. . . . Interest rates in Mexico since peso devaluation: 50 per cent for mortgages, 100 per cent for personal loans, 120 per cent for credit cards. . . . Swedish Prime Minister **Ingvar Carlsson** experiencing woes of socialism. He may be forced to move out of official residence because of $7,400-a-month tax bill.

■ Columnist **Ben Wattenberg** has announced winners in his annual political-slogan contest. For Clinton campaign: "Four More Veers"; "No More Waffling and Indecision, Probably"; "Don't Change Stones in Mid Avalanche." For **Colin Powell**: "Elect Me if You Want to Know What I Stand For." For **Ross Perot**: "I May Be Crazy but I'm Not Lazy." For Pat Buchanan: "Nuke Mexico." For GOP Congress: "Now We Spend Money Like Half-Drunk Sailors." And post–Election Day headline: "**O.J.** Acquitted on Appeal/Results of Presidential Election, see p. 37." —OCD



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# A view from Washington

## MITSUBISHI MOTORS IN AMERICA

It was back in 1982 that Mitsubishi Motors first brought its name brand passenger vehicles into the U.S. market. We sold just over 40,000 cars and light trucks in our first year of operation; this year, we'll sell well over 230,000.

But we don't want you to read this so we can brag about how many cars we sell. What we want you to know is that our growth has resulted from a carefully planned, long-term strategy that has succeeded in melding the technological expertise and environmental sensitivity of Mitsubishi Motors Corporation — one of the world's largest automobile manufacturers — with the activities of a full-fledged American corporation — Mitsubishi Motor Sales of America, Inc.

### Made in America

Of all the steps taken in these last 13 years to evolve into a truly American organization, the single most important one has been the establishment of a U.S. manufacturing operation. Early on, Mitsubishi Motors entered into a joint manufacturing venture with Chrysler, and in 1988 the venture began producing cars under both companies' nameplates. In 1991, Mitsubishi Motors assumed full ownership of the venture, called Diamond-Star Motors.

Today, Diamond-Star, a two-million square-foot facility located in central Illinois, produces Mitsubishi Motors' two top selling cars in the U.S. — the Galant mid-size sedan and the Eclipse sports coupe. Together, they'll represent 60% of the passenger cars that we'll sell in the U.S. this year.

Our decision to transfer production of the Galant from Japan to Illinois represents a billion dollar net gain for America's balance of trade with Japan, per year.

And Diamond-Star also builds cars for export to Canada, Europe, South America, and Asia, which contributes to a more favorable balance of trade between the U.S. and its foreign trading partners.

### Sourced in America

Diamond-Star has an ongoing program to expand the use of North American production suppliers. Under this program, the operation will spend over $1.7 billion this year on North American purchases, representing over a 200% turnaround (on a constant calculation basis) since 1988. And those expenditures will account for the fact that locally sourced content in our Galants and Eclipses should exceed 70% under the Environmental Protection Agency's fuel economy reporting procedures. Our plans to increase the use of domestically built engines and transmissions will raise that domestic content level even higher in the future.

### Employing Americans

To build cars in the U.S., Diamond-Star employs nearly 3,900 Americans. More than 3,200 are production and maintenance associates represented by the United Auto Workers. Countless other Americans are employed as a result of Diamond-Star's purchases of parts and services from facilities in 27 states.

Diamond-Star is only one part of the Mitsubishi Motors equation in the U.S. As the exclusive U.S. distributor of Mitsubishi brand passenger vehicles, we and our rental car and finance subsidiaries directly employ another 1,700 Americans. Not to mention some 15,000 employed by independent Mitsubishi Motors authorized dealerships nationwide.

### Continuing Our Economic Contributions

So you see, we've come a long way since 1982. And we'll continue to grow, not just by producing and selling more passenger vehicles, but by keeping our products and pricing competitive. How will we do that? By expanding our U.S. production volume, increasing domestic content, increasing exports of our U.S.-built cars, and by reducing imports in our product mix. These steps will continue what has become the Mitsubishi Motors "tradition" of Americanization — creating jobs all across the country and contributing to the U.S. economy.

For further information, contact: Anna Schneider — Director, Government Relations/U.S. Operations at (202) 223-5732.

*A View From Washington is a series of essays sponsored by corporations and associations. The views expressed do not necessarily reflect those of the magazine.*

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# THE WEEK

■ Richard Nixon has his face on a stamp. Bill Clinton, Mike Espy, Henry Cisneros, and Ron Brown have theirs on the post-office wall.

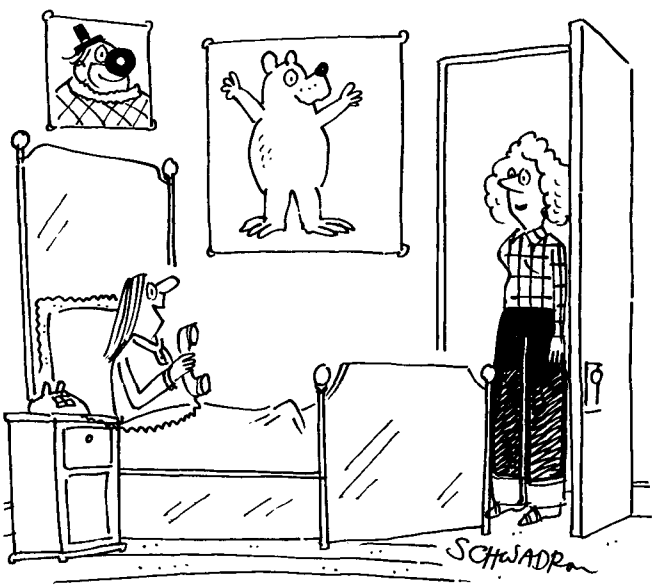
■ Talk about sleaze factor. Before this Administration is done (twenty months, and counting), they'll assign you an independent counsel along with your driver. We originally opposed the independent-counsel law as a constitutional anomaly. Now we're against it for budgetary reasons.

■ Finally we know the Christian Coalition's hidden agenda. The group has just released its Contract with the American Family, a ten-point program so mainstream Pat Buchanan pronounced it too tame. Like the House GOP Contract with America, the Christian Coalition version would represent real progress if enacted: amending the Constitution to protect religious expression in public places; abolishing the Department of Education and encouraging school choice; eliminating the marriage penalty. On abortion, the Contract seeks limits on late-term abortions (especially the gruesome practice of "partial-birth" abortions), an end to taxpayer funding of abortion-related services through Title X, and restoration of a state's right to refuse to use Medicaid funds to pay for abortions in cases of rape or incest. This is an incrementalist agenda to be sure, but advancing in increments is how politics works. The Contract's warm reception from leading Republicans shows that the Christian Right has indeed entered the GOP mainstream. Yes, Senator Arlen Specter still denounces it. But every party has its fringe elements.

■ Phil Gramm's film venture was 22 years ago, and clearly there is bad blood between him and the former brother-in-law who now tells the tale, and Bill Clinton would be in no position to cast stones. Still, Gramm admits that he intended to invest in "an R-rated spoof of beauty contests." What was he expecting, *La Dolce Vita*? Skeletons in the closet don't always rattle successful campaigns, but the Gramm campaign was already shaky. He has time for major reconstruction—which becomes more major every day. If he implodes, others could enter the race: Colin Powell; Newt Gingrich (an unwise option, *NR* has argued); or some conservative as yet unmentioned. Note to all hopefuls: the GOP does well with actors, not producers.

■ We don't know how CBS broke the news to Connie Chung that she was no longer Dan Rather's co-anchor, but we hope someone whispered it into her ear.

■ For want of a nail the battle was lost. Well, Republicans may have found just the right nail to win the entitlement battle. Supplemental Security Income (SSI) was originally intended as a safety net for the blind and disabled elderly. No one ever gainsaid that original goal and, as a result, SSI enjoyed remarkable protection during a long string of budget battles. But about five years ago SSI eligibility rules were expanded beyond recognition. Children with various mental disorders, including the much-debated attention-deficit disorder, were declared eligible. Adults unable to engage in "substantial gainful activity" were also allowed in—a change that put tens of thousands of alcoholics and drug addicts on the rolls. News reports tell of immigrants coached by middlemen to feign mental illness and children coached by parents to misbehave in school in order to appear mentally ill. Since 1991 children, immigrants, and adults with "mental impairments" have accounted for 90 per cent of SSI caseload growth. SSI is now a $25-billion-per-year behemoth, growing far faster than AFDC, Food Stamps, and the Earned Income Tax Credit. The Administration's own projections show that by the year 2000 it will cost more than any other means-tested entitlement except Medicaid. Worse yet, a person eligible for SSI is automatically eligible for Medicaid, leading to an expansion of its rolls as well. House Republicans increasingly view SSI as the key to entitlement control. They're pushing for an enrollment cap, an end to SSI cost-of-living increases and, a return of the program to its original purpose.




*"It's the Tooth Fairy. She says if I Fed Ex her the tooth, she'll electronically transfer the money into my bank account."*



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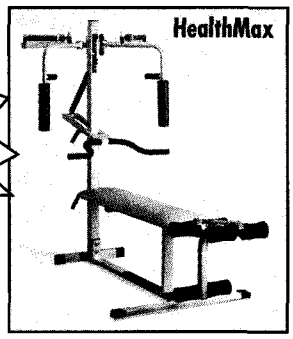


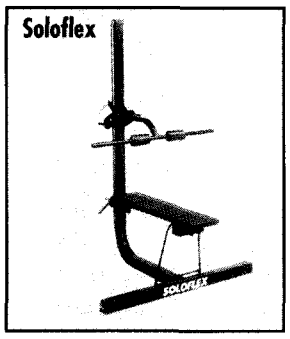


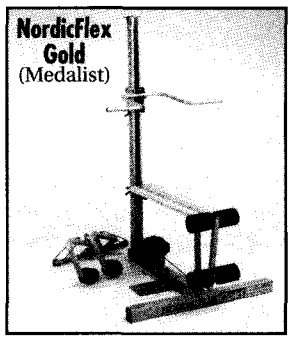


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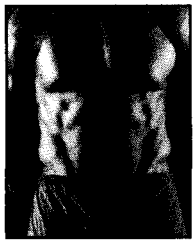
| 1 Low price | ☑ YES ~~$349~~ $279 (plus $59 S/H) | ☒ NO $995 (plus $105 S/H) | ☒ NO $999 (plus $99 S/H) |
| 2 Easy to use | ☑ YES No assembly/ disassembly required between exercises. | ☒ NO Requires assembly/disassembly between exercises. | ☒ NO Requires assembly/disassembly between exercises. |
| 3 Leg Extension Unit included | ☑ YES Permits both leg extensions and lying leg curls. | ☒ NO Costs $200 extra. | ☑ YES, BUT...Leg unit included doesn't permit lying leg curls. |
| 4 Butterfly Unit included | ☑ YES No extra cost. | ☒ NO Costs $200 extra. | ☑ YES, BUT...You must assemble before each use, and disassemble to use bench press. |
| 5 Strength conditioning for all five major muscle groups | ☑ YES HEALTHMAX strengthens all five: arms, legs, abdominals, back and pectorals. | ☑ YES, BUT...You must purchase $400 in extra accessories to do comparable exercises for legs and pecs. | ☑ YES, BUT...Why would you pay $700 more than HEALTHMAX? |
| 6 Comfortable bench | ☑ YES Padded bench is a full 47" long, 12" wide, and a comfortable 20" high. | ☒ NO Padded bench is only 40½" long, making some lying down exercises awkward. | ☒ NO Padded 40" bench is short, narrow (only 9" wide), and too high (24") off the ground. |
| 7 Hydraulic cylinder resistance system | ☑ YES Adjusts to your personal resistance level with a simple twist of a dial. | ☒ NO Uses rubber bands which must be changed to vary resistance level. | ☒ NO Uses complicated cord/pulley/mechanical resistance system. |
| 8 Full refund of return freight if unit returned | ☑ YES If not satisfied, we will refund your cost, shipping/handling charges, and all return freight! | ☒ NO You pay over $85 to return. It must go by truck to Oregon! | ☒ NO They keep your $99 shipping and handling payment. |
| 9 Payable in installments | ☑ YES 9 easy credit card installments of just $31.00! ($59.00 S/H added to first installment.) | ☑ YES, BUT...You pay $39 per month for the next *2 YEARS!* (includes 10% interest) | ☑ YES, BUT... You pay $300 plus $99 S/H up front and then $39 per month for 20 months! (includes 18% interest) |



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■ In the last paragraph of Timothy Goeglein's piece on T. S. Eliot and St. Louis [May 29, page 65], the quotation attributed to "Four Quartets" was actually from "Ash Wednesday." . . . In this issue Random Walk, listed on the Contents page, will not appear.

■ Newt Gingrich has submitted an 80,000-word manuscript for his book, *To Renew America*, to his publisher. The last time an 80,000-word text came out of Washington, it was President Clinton's State of the Union address.

■ Defenders of President Clinton's decision to close off the stretch of Pennsylvania Avenue north of the White House cited the need for increased security after a string of bizarre incidents, and no sooner had the roadblocks been put up than the latest intruder was shot on the South Lawn. There may also be an element of Oklahoma City politics: Look where the Far Right (=the Right=Newt) has brought us. But the move is a break with history. Presidents past have resisted additional security lest they turn the "People's House" into a fortified palace. It took Pearl Harbor to make FDR accede to heightened measures, and then only on the condition that they be unobtrusive. Even President Lincoln had guards dress as civilians and hide their firearms so as not to give the impression of an armed camp—and he could see Confederate campfires burning in Virginia from his bedroom window.

■ President Ozymandias explained the barricades as "a responsible security step necessary to preserve our freedom." It is a mystery how our freedom will benefit from walling up the White House. Unless, of course, he plans to build more barricades on the bridges and streets of D.C. so that bureaucrats and lobbyists can't get anywhere near government buildings.

■ Representative Chris Smith (R., N.J.), a strong and principled conservative, has proposed an amendment to the State Department authorization bill, HR-1561, that would destroy America's control of its borders from the best of motives. It would expand the category of those with "a well-founded fear of persecution" (and thus with an almost automatic right of settlement in the U.S.) to include victims and resisters of China's population-control program. Mr. Smith is right to stress that China's population control is both brutal and coercive. The State Department should say so loud, clear, and often. If that is the test, however, then 1.2 billion people could claim a right of asylum here—for starters: other countries have such coercive policies too. Even the underlying idea of asylum for those with "a well-founded fear of persecution" is more dubious than it sounds. Absurdly, it gives foreign despots the power to issue green cards. Fidel Castro has exploited this very effectively. By threatening to unleash another Mariel last year he bullied the Clinton Administration into granting 20,000 Cuban admissions annually (thus giving him both a safety valve and additional means of patronage). A similar threat this year is thought to lie behind the Administration's agreement to police the seas around Cuba, preventing Cuban refugees from fleeing to *any* destination. What could better illustrate the unrealistic paradox of our asylum and refugee policy? We begin by admitting refugees either for reasons of state or because we feel a special moral obligation (the Cubans qualify under both); we then erect these limited reasons into a utopian principle; and when that utopian principle (admit anyone who is persecuted) produces unacceptable results (unlimited numbers of immigrants), we end up assisting the despot to suppress people at home so as to escape the consequences of our own generosity. If Mr. Smith has his way, we shall be first friends, then bouncers, to half the world.

■ The movie *Jefferson in Paris* again raises the question of whether Thomas Jefferson had an affair with a 14-year-old maid. We'd know for sure if someone who was around at the time could tell us, but Strom Thurmond is keeping mum.

■ Attentive readers of the *New York Times* must have been surprised to see an essay on metaphysics gracing the front page of its May 21 "Week in Review" section, making a case for final agnosticism regarding the O. J. Simpson trial. The author, George Johnson, imagines the testimony of two expert witnesses, the philosophers of science Karl Popper and W. V. O. Quine. These witnesses present sophisticated arguments to the effect that "induction," or drawing conclusions from established facts, is not infallible. This is easy to do. The facts are dots that must be connected. An *n*th fact could conceivably appear, such as Martians, divine intervention, or a conspiracy so vast as to be omnipotent. There is a case that any of these is possible. But, on that basis, not only could no one ever be convicted of a crime, you could not even walk across the street. Metaphysics is scientifically useful, but in life probability rules decisions. If Popper and Quine were to take the stand, Marcia Clark could trump them with David

## *And Brown Makes Three*

Janet Reno, who still carries
Waco like a cross upon
Shoulders broad enough to take it,
Understandably looked wan
When she sought a prosecutor
To investigate Ron Brown,
Commerce Secretary, soon to
Join Cisneros leaving town.

W. H. VON DREELE



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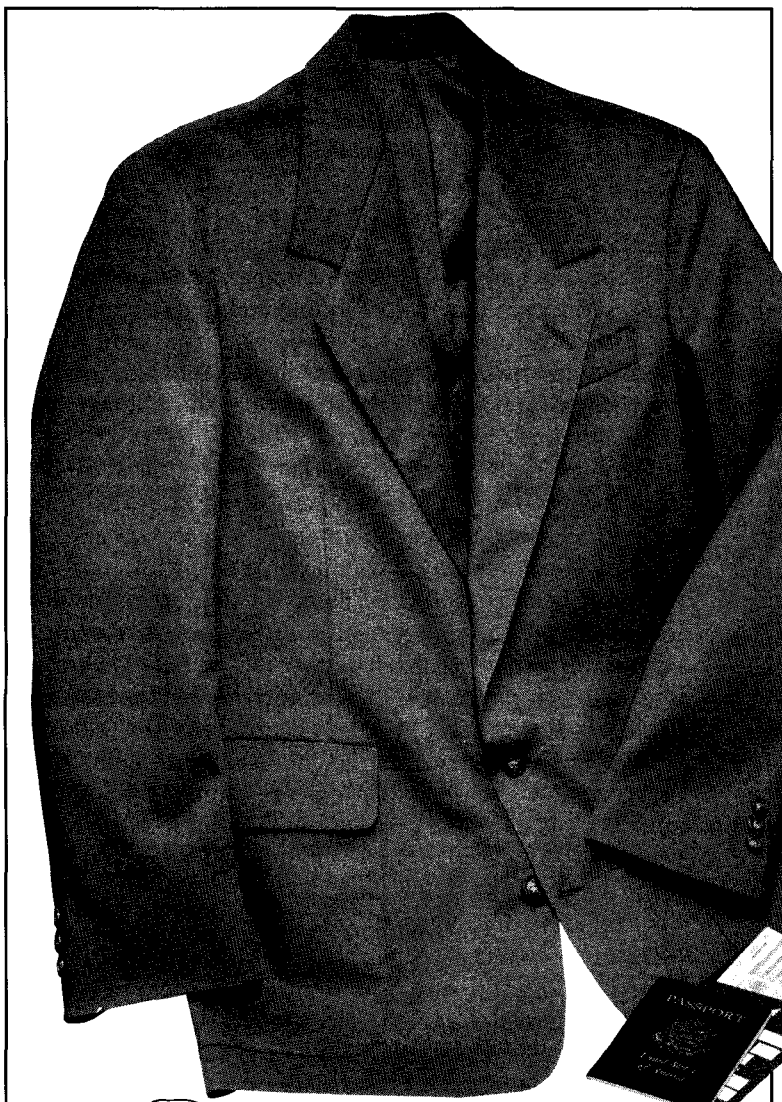
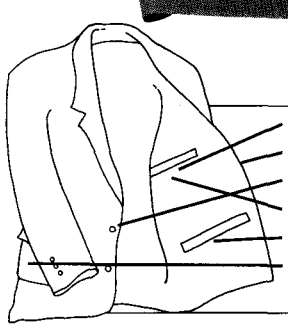
# THE REMARKABLE TRAVEL JACKET

## A tough wash-and-wear, go-anywhere travel companion with 10 high-security pockets!





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- Inside pen pocket
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- 2 inside, zipper-close pockets
- 2 inside, velcro®-close pockets
- 2 velcro®-close patch pockets
- Plus *super-secret* money pocket

**Travellers love it, pickpockets hate it.**

When travelling, you need comfortable, practical clothing *and* a safe way to carry your wallet, passport and other valuables. That's why we created *The Remarkable Travel Jacket,* an amazingly versatile jacket designed for comfort, great looks and easy care—plus protection for your valuables.

**Travel-tested wash-and-wear fabric for comfort and style.**

The secret to *The Remarkable Travel Jacket's* stylish good looks is a special poly twill fabric that resists creasing, even after it's been stored in an airplane's overhead compartment! What's more, cleaning is a breeze. Just wash it in a tub or sink and hang it to dry.

**10 secure pockets to foil pickpockets.**

What's most amazing about this jacket are its *10 separate high-security pockets,* only 3 of which are visible from the outside. There are also 2 zipper-close and 2 velcro®-close inside pockets, 1 hidden coin pocket, and a pen pocket. Last but not least is a *super-secret* money pocket that only *you* will know how to find.

**Designed and made in Europe.**

*The Remarkable Travel Jacket* has been designed exclusively for Willabee & Ward by a venerable European producer of luxury clothing—founded in 1868 and headquartered in France. You will not find this jacket in catalogs or stores. It is available exclusively from Willabee & Ward.

**Amazing price beats competition by a mile!**

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Hume's critique of metaphysics. The interesting question is, Why does the *Times* raise the issue? One explanation is that if Simpson gets a hung jury, with black jurors voting to acquit whatever the evidence indicates, the case might become a disaster for race relations. Before that happens, the *Times* would rather retain the firm of Popper and Quine.

■ A reminder that "the war on drugs" isn't just a metaphor. On the night of April 17, sheriff's deputies raided the trailer home of Scott W. Bryant in Beaver Dam, Wisconsin, to execute a search warrant as part of a drug investigation. Moments after the deputies burst into the trailer, one of them fired a shot that fatally wounded Bryant. The 29-year-old man, who was unarmed and offered no resistance, died in front of his 7-year-old son. The police found three grams of marijuana in the trailer. The state Justice Department is investigating Mr. Bryant's death, but one thing is clear: it wasn't the marijuana that killed him.

■ Awright, awright. May we say that they were jill-booted thugs?

## 2002—A Space Odyssey

WHEN the Balanced Budget Amendment fell a vote short in the Senate, prudence dictated that Republicans back off the goal of a zero deficit by 2002. "Today," they could have said, "the Democrats have preserved status-quo Washington, where all the rules are tilted toward spending. Send us more Republicans in 1996, and we'll pass the amendment and make the zero deficit a reality." Then they could have focused on popular spending cuts and tax relief, while dodging on Medicare. Taking on this prickly cousin of Social Security could have waited until the GOP had consolidated its congressional gains and won the White House.

In coming months, Republicans may look back wistfully at this road not taken. But they chose to move in fifth gear instead of second, and the time for tapping the brakes has long since passed. Zero deficit in 2002 has become more than a political promise; it's a symbol both of today's conservative agenda and of the way Republicans hope to restore public trust in our politics. And getting there is impossible without touching Medicare.

But Republicans confront the furies on Medicare, and so courage cannot mean recklessness. All it would take is the loss of 14 seats in the House for the talk of a permanent GOP majority to turn to dust. Speaker Newt Gingrich? A memory. Appropriations Committee Chairman Bob Livingston? Try ranking minority member. If this seems far-fetched just imagine the Democratic slogans in 1996: "Repeal the Medicare Tax"; or "Save Medicare. Vote Democrat." In undertaking the unprecedented task of balancing the budget in the face of a hostile Executive, Republicans run huge risks. Unless they get their Medicare savings in palatable ways, 1996 will be the year of the Democratic Congressional Campaign Committee.

The misadventure with catastrophic-illness insurance in 1988 provides a benchmark for the Medicare debate. Then, Congress gave seniors more services—capping the cost of catastrophic illnesses while providing new prescription-drug benefits—in exchange for increased premiums. A seemingly reasonable deal—yet angry seniors still tried to crush the car of Ways and Means Committee Chairman Dan Rostenkowski. What would happen if Republicans told the elderly they'd get less services *and* higher fees? The GOP must make the case that Medicare is not just a fiscal monster but a broken piece of the Great Society, a forerunner of the Clinton health plan that has served neither the nation's fiscal health nor the elderly's physical health. Then Republicans can begin to present solutions in their terms (choice, innovation, responsibility) instead of falling into the Democrats' niggardliness-versus-generosity trap.

The message must start—as it now does, after an astute re-adjustment by Newt Gingrich—with Medicare's impending bankruptcy. The Medicare trustees (a group that includes Treasury Secretary Robert Rubin and Health and Human Services Secretary Donna Shalala) reported that Medicare will go bust by 2002. They set out two options for saving the current system: raising payroll taxes by some 40 per cent or slashing benefits by 30 per cent. Once it's agreed that neither of those is feasible, it's clear the system must change. How? Not by "cutting." Republicans must continue their tooth-and-nail fight to convince the media there's a difference between slowing projected rates of growth and "cutting." But these twin messages—it's going bankrupt; its growth must slow—only prevent Republicans from getting flattened outright on Medicare. They don't constitute a persuasive case for positive reform.

The real test will come when the committees move to fill in the details of the broad outlines sketched by the House and Senate budget resolutions. If Senate

### *Modified Rapture*

Though Florida may breathe a sigh
And, on Guantanamo, "*Ai, ai!*"
No longer echoes in the land,
I shall not join a marching band
To honor what Fidel and Bill
Concluded to promote good will.

W. H. VON DREELE



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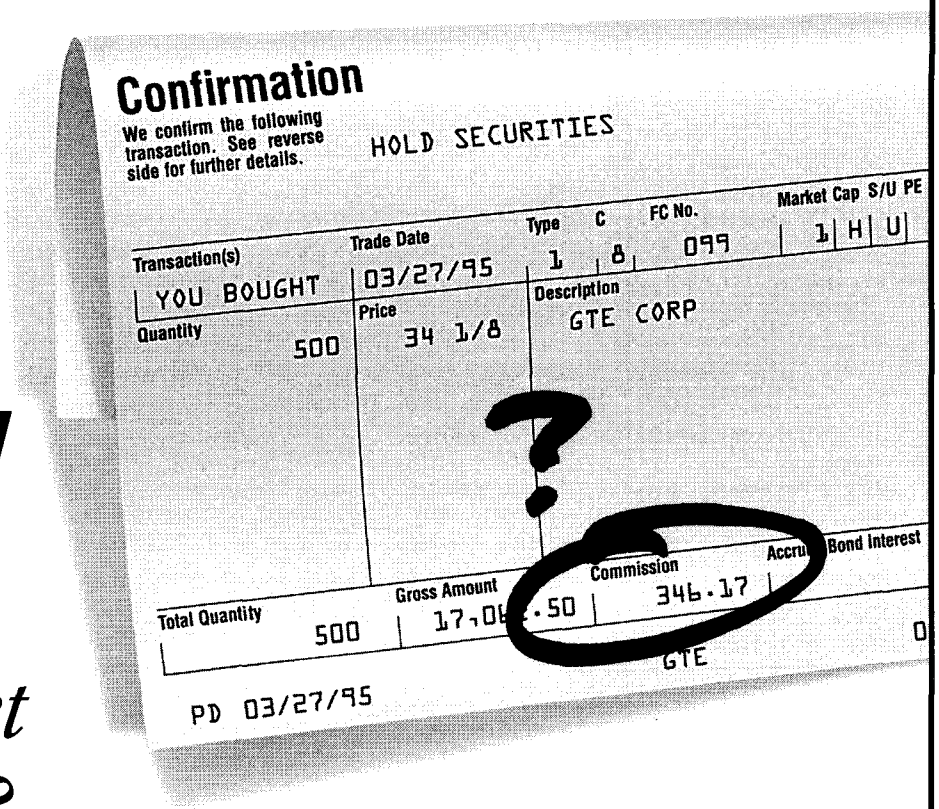


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Finance Committee Chairman Bob Packwood follows his instincts and gets his savings via premium hikes (in effect, tax increases), higher co-payments, decreased eligibility, etc., then any GOP message, no matter how skillfully crafted, will fail. House Budget Chairman John Kasich has been convinced that he must steer clear of this root-canal trap and is talking about more creative solutions. Bill Thomas (Calif.), chairman of the health subcommittee of Ways and Means, is similarly looking beyond nickel-and-dime measures.

The crux of Medicare's problem is that it's a one-size-fits-all, socialistic program. The solution starts with opening up the system to the same competitive pres-

## *Right Data*

# Gunning for Defense

'CONTRARY to the conventional wisdom, the Pentagon is not underfunded; the United States spends far more on the military than does any other nation in the world." This, from the libertarian Cato Institute, echoes the rhetoric of liberal groups. Their common assumption: the peace dividend has been squandered on items we no longer need.

In truth, while the military's objectives are far more modest now than during the Cold War, cuts already enacted jeopardize the ability to meet them.

Real defense spending fell 25 per cent between 1990 and 1995, and is on course for another 15 per cent decline by 2000. When measured as a share of GDP, our defense commitment is the lowest it has been since 1950. The Pentagon's latest budget request reflects a shift in strategy. Instead of a global conflict, the U.S. military is now supposedly geared to wage—and win—two medium-sized wars simultaneously. The cuts make that unlikely, however. Secretary of Defense Perry acknowledged late last year that one-quarter of the Army's active-duty combat units are not fit for battle.

**A Perilous Trend: Defense Outlays**
*(Billions of Constant 1995 Dollars)*

| | Total Spending | | Selected Categories | | |
|---|---|---|---|---|---|
| | Bil. $ | As % of GDP | Procurement | Maintenance | Personnel |
| 1970 | $345.6 | 8.3% | $90.9 | $91.3 | $122.6 |
| 1980 | 245.9 | 5.1 | 53.1 | 82.1 | 75.0 |
| 1985 | 342.9 | 6.4 | 95.5 | 98.3 | 92.1 |
| 1990 | 358.3 | 5.5 | 97.0 | 105.7 | 90.4 |
| 1995E | 271.6 | 3.9 | 54.7 | 90.1 | 70.8 |
| 2000E | 230.6 | 2.9 | 42.3 | 80.6 | 63.2 |

Source: Office of Management and Budget

President Clinton, like his last Democratic predecessor, Jimmy Carter, has vowed to halt the defense slide. Last December Mr. Clinton requested an additional $25 billion for the Pentagon over the next six years. Unfortunately, this is but a fraction of the $150 billion which the non-partisan General Accounting Office says is needed to meet even the scaled-down military objectives.

Worse still, Clinton's plan does not put money where it's needed most. Its prime focus is on "readiness," or the military's ability to fight police actions such as Haiti and Somalia. It would buy more spare parts and ammunition, overhaul and maintain existing weapons systems, intensify training, and raise military pay. But weapons procurement, already sunk to levels not seen since the Korean War, would continue to plummet. The Army would not be able to buy a single new tank or helicopter for the rest of this century. Naval aircraft, one of our prime means of power projection, would be frozen at current levels and models.

Readiness sans weapons puts the military in a very dangerous box. When procurement levels fall, increased readiness invariably uses up weapons for which there are no replacements. Meanwhile, many highly specialized defense contractors go out of business. Eventually the country loses both the engineering expertise and the industrial capacity to defend itself. To avoid this trap the Pentagon must shrink the 50 per cent of its budget allocated to overhead, items ranging from auditors and accountants to the costs of conducting security clearances. The Office of Management and Budget has estimated that the government saves nearly $10,000 per worker when such functions are contracted out.

New weapons aren't cheap, but like any investment they can reduce future operating costs. Take the B-2 (Stealth) bomber, a $1-billion plane. Some military analysts insist that that money would be better spent developing precision guided "smart" bombs. But the Stealth bomber can, under many circumstances, penetrate close to ground zero. That makes it possible for it to use bombs that cost about $100,000 each. By contrast, if a B-52 is attacking a heavily defended site, it must release its payload hundreds of miles away, using cruise missiles that cost at least $1 million each. Each plane carries the same number of bombs (16), so that after 100 sorties the cost of operating the B-52 is $1.6 billion, versus $160 million for the B-2. The moral? New weapons are more expensive only if you think you'll never have to use them.

—Ed Rubenstein



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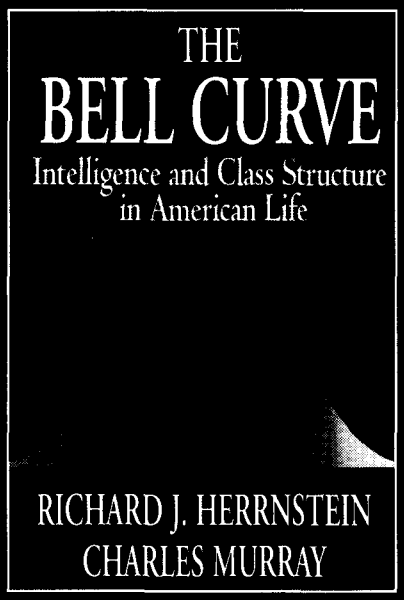


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sures that have slowed the rate of health-care spending in the private economy. Participants should get vouchers to spend as they please—either staying in today's fee-for-service system if they choose, or moving to HMOs and pocketing some of the resulting savings. The most venturesome can start Medical Savings Accounts, essentially Individual Retirement Accounts for health care. As Patrick Rooney has shown with the employees of his Golden Rule insurance company, MSAs give participants incentives to be frugal—they keep the unspent dollars—while actually increasing their health-care choices. Done right, Medicare reform needn't be a zero-sum game.

But even with the right message and policy mix, Democratic demagoguing on Medicare will be difficult to withstand. It will be impossible if weak-kneed Republicans, especially in the Senate, break ranks. The worst-case Medicare scenario is that the House votes for real change, but the Senate blinks, leaving vulnerable House freshmen with tough votes and nothing to show for them. Senate Old Bulls, then, are conceivably the gravest threat to the GOP House majority. Before Republicans go any further on Medicare—and before Mr. Gingrich risks the seats of his "Majority Makers"—the Speaker and Senate Majority Leader Bob Dole must sign a blood oath of unanimity: no reforms in one chamber unless they're guaranteed in the other. The approach would be almost parliamentary, a commitment of an entire party rather than a bicameral gamble. Republican National Committee chairman Haley Barbour must step forward to broker the pact. As his downpayment, Mr. Dole can slap into line Senator Al D'Amato, whose threat to oppose Medicare changes is the political equivalent of shouting Fire! in a crowded theater. If a stampede starts, decades of Republican dreams will get trampled.

## Packwoodshed

SENATOR Roman Hruska said, of a Nixon appointee to the Supreme Court, that mediocre people deserved representation too. Whom does Senator Robert Packwood represent? He stands accused of groping an array of women—from a baby sitter, to a hotel desk clerk, to staff members and campaign workers—over 21 years; of falsifying his diaries, lest they be used against him; of asking lobbyists to hire his ex-wife, so as to diminish alimony payments.

Altering his diaries would be obstruction of justice, a federal crime, and should, if the change is true, be grounds for expelling him from the Senate. Even then, if the people of Oregon were contumacious in their devotion, they could send him back. Bostonians twice sent James Michael Curley to office from a jail cell.

But the electorate's freedom to choose rogues does not compel the majority party to give them positions of power. Senator Packwood has, in a general way, conceded the sexual charges against him: he apologized to his accusers for "terribly offensive" behavior, and admitted that he has been a drunk. While the Senate Ethics Committee examines the evidence, he should be stripped of his Finance Committee chairmanship. If Bob Dole fails to see to this, it will be one more testament to his meagre management skills. When Senator Hatfield broke party ranks to stop the Balanced Budget Amendment, he was not punished. Will Bob Dole let Senator Packwood evade minimal procedural disciplines too?

## Aborting Foster

'SOME . . . say that this nomination is about abortion," Dr. Henry Foster told the Senate Labor and Human Resources Committee at the start of his confirmation hearings. "It is not." Dr. Foster should tell that to President Clinton and the *New York Times*, which reported that the President "has won credit for fortitude with abortion-rights supporters" for sticking by his man. So if Dr. Foster is confirmed, pro-abortion groups can claim a victory, though anti-abortion Republicans who allowed it to happen should not feel that they let down the side.

This wobbly thinking is representative of many aspects of Dr. Foster's record. When he was first nominated he said he had performed one abortion; no, make that seven; no, make that 39; or no, "probably near 700," according to a transcript from the Department of Health, Education, and Welfare that Foster now disputes. He insisted before the Senate committee that he had no knowledge of the Tuskegee Institute's syphilis study on black men, though Dr. Luther McRae, who claimed that he and Foster were briefed together in 1969, stuck by his charge. Dr. Foster boasts about "I Have A Future," a pregnancy-prevention program for teens which he directed. Program data recently provided to the Senate, however, indicate its effect might be to increase teen sexual activity.

But in the end, the Foster nomination is about abortion. Dr. Foster may have performed no more abortions than many ob-gyns these days. But the surgeon general is a symbolic post; it is inappropriate to fill it with a symbol of the medical and legal status quo that is at issue in the abortion dispute.

The nomination's fate in the Senate is also symbolic—of the level of commitment of Phil Gramm and Bob Dole to the pro-life cause. Gramm will filibuster the nomination if it's brought to the floor, and Dole knows that he cannot preside over the confirmation of Dr. Foster. Senator Dole should look to his friends in the House. In the interest of streamlining government, the largely ceremonial office of surgeon general should be eliminated by the House Appropriations Committee. If



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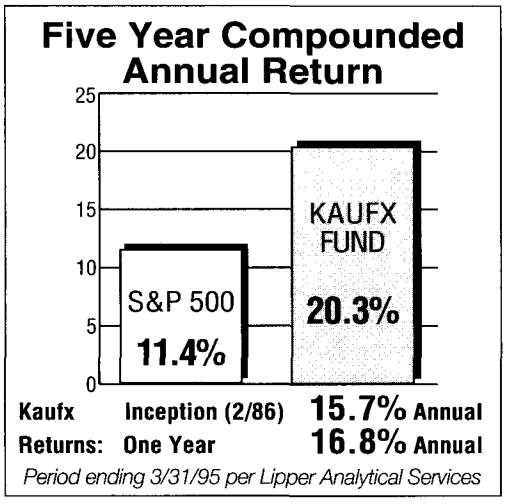

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the existence of the office was thus in question, there would be no point in voting on the confirmation. Bob Dole, call Bob Livingston.

## MADness in Moscow

WHEN the U.S.–Soviet Anti-Ballistic-Missile Treaty turned 20 in 1992, Richard Nixon, who had fathered it, declared that the treaty had been "overtaken by the Cold War's end." Nixon called on the U.S. and Russia to "move beyond the ABM Treaty" so that both sides could pursue defenses against the emerging common threat from Third World rogues armed with nukes. No strategic priority is more important for the United States in the coming decade than defending ourselves and our allies against the North Koreas of the world.

What is obvious to most Americans, however, is still beyond the grasp of the Clinton Administration, whose senior officials are in thrall to an obsolete arms-control doctrine from the 1960s. "Mutual Assured Destruction," or MAD (another legacy of Robert McNamara richly deserving a *mea culpa*), held that the U.S. and USSR kept the peace by targeting each other's populations and holding them hostage; building anti-missile defenses to protect one's people was accordingly held to be "destabilizing." A doctrine that was grotesque even in the Cold War is still more so now that both sides' offensive strategic missiles have been drastically reduced and danger comes from a different direction.

This was the moment to engage the Russians, as Nixon suggested, in the common endeavor of developing missile defenses, leaving the ABM Treaty to one side (or amending it as needed). George Bush had reached an accord with Boris Yeltsin in June 1992 to do precisely that. But for Bill Clinton and his arms-control zealots, the Moscow Summit was the moment to reverse field and curtail theater-defense research lest it lead to "violation or circumvention" of the ABM Treaty. These words are from the May 10 Joint Statement by Clinton and Yeltsin, which reaffirmed that the treaty is "a cornerstone of strategic stability" and accepted a series of limitations on theater-defense capabilities and deployments.

Fifty Republican senators had written the President on May 2 voicing their "strenuous objections" to such a move. The Contract with America expresses Republican commitment to ballistic-missile defense. A forthcoming report from the Heritage Foundation outlines a game plan the GOP should follow: to dismiss the May 10 Joint Statement as not binding on Congress, and to authorize an additional $1 billion in FY1996 and $6 billion over the next five years for two especially promising systems—the Navy's "Upper Tier" sea-based interceptor aboard AEGIS cruisers and destroyers, and the "Brilliant Eyes" of sensor satellites for detecting and tracking missile launches. If Clinton can't see what America needs, Congress will have to.

## Buy American

THE Clinton Administration's decision to impose 100 per cent tariffs on 13 Japanese luxury-car models that account for $5.9 billion in sales in the United States has nothing to do with free trade or protecting the rights of American businesses, and everything to do with special-interest politics and highly flawed economics. Detroit's embrace of this protectionism, even after the Nineties have protected American automakers with a 45 per cent devaluation of the dollar versus the yen, is testimony to their fear and loathing of real competition. In Japan, meanwhile, car import sales have jumped 41 per cent in the first four months of the year, led by Adam Opel AG, the European unit of GM, while Ford and Chrysler sales to Japan have doubled.

Former *NR* associate Ramesh Ponnuru has just produced a monograph, *The Myth of Japanese Growth*, for AEI and the Center for Policy Studies, arguing that Japanese markets are not hermetically sealed, that social customs are far more important to business practices than government directives, and that Japanese consumerism is on the rise. This market can be cracked.

The Japanese government has substantially opened dealerships and the parts market to American firms already. What it should not do is dictate to private Japanese firms operating here how many American parts they must buy—as the American Government would like. If the U.S. uses managed-trade industrial policy on Japanese companies, then American firms may be subjected to a similar approach in the future. Depressingly, a sense-of-the-Senate resolution defending Clinton passed with 46 Republican votes, including those of Bob Dole and Phil Gramm. The GOP should start a campaign to Buy American—ideas.

## Peace Not at Hand

BOB DOLE is about to reintroduce legislation to lift the U.S. embargo on arms sales to Croatia and Bosnia, defying the UN and our British and French allies. Those who like the arms embargo claim that lifting it would "only prolong the war." Their assumption is that the Serbs are bound to win, and it's better to let them do so quickly. But Croatia's recent successful offensive in Western Slavonia has demonstrated the falsity of this view. Meanwhile, the Bosnian government is preparing for a season of campaigning to reverse earlier Serb gains. The Croatian–



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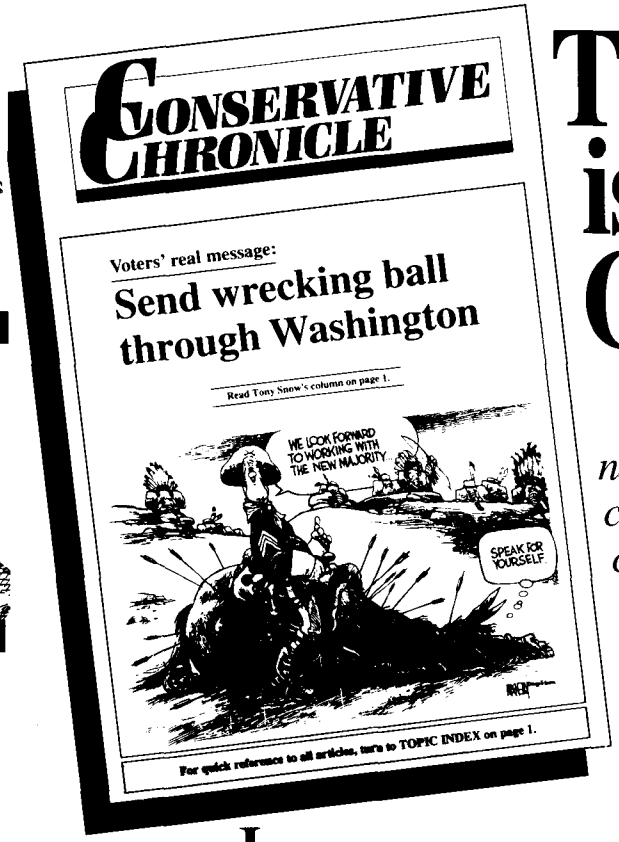
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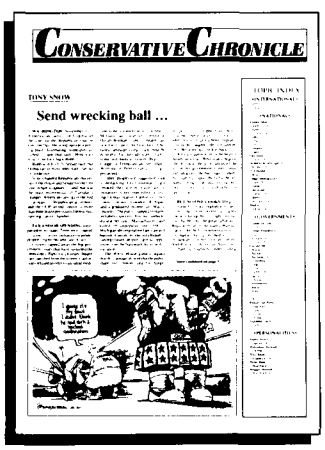


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Bosnian alliance, as long as it holds, is the odds-on favorite to win. The question is at what cost—and how can the West minimize it?

If President Slobodan Milosevic keeps Serbia out of the war and Croatia enters it, the result should be relatively swift, with the rebel Croatian and Bosnian Serbs heavily outmanned and outgunned. And Serbia is likely to keep out. Milosevic's forces are already busy repressing Albanians in Kosovo and other non-Serbs in Vojvodina, and Milosevic himself has no desire to save Bosnian Serb leader Radovan Karadjic, who was his creature but is now his rival. If Serbia did fully engage, the war would be bloodier and longer, but the outcome ultimately the same. Taking the current figures of those deployed, 380,000 Croatian and Bosnian troops would face 310,000 Serbs. The Serbs still enjoy a 2-to-1 advantage in tanks, heavy guns and mortars, and rocket launchers. Yet the days when the Serbs could rely on superior firepower to make up for poor morale among their conscript forces are gone. Attrition is taking a heavy toll on the effectiveness of their equipment, and the Bosnians and Croatians have managed to obtain significant supplies despite the embargo. Moreover, while Croatia and Bosnia are gradually developing stable regimes, Serbia is in the grip of a political mafia unable to inspire popular commitment to the Greater Serbian cause.

The best scenario, however, would be a number of sharp and successful military actions by Croatia and Bosnia, forcing rebel Serbs to the conference table while discrediting their leaders. The first step is to lift the arms embargo now. The U.S. must then be ready to arm the Croatians and Bosnians rapidly; to deter Serb countermoves with air power; to get the British and French "peacekeepers" out of the way; and, finally, to pull the West together behind the new policy.

So far the West's search for peace has fostered war; an acceptance of war may bring peace.

## The Dawn of the Past

A FIRST step has been taken toward the re-establishment of the Soviet Union. Recent parliamentary elections in Belarus were accompanied by a referendum, which sought the approval of the Belarussian electorate for policies such as closer cooperation with Russia and the re-adoption of the old Soviet Belarussian flag and national seal. President Lukashenko also asked for, and received, approval for powers to dissolve parliament whenever he considered it to be acting unconstitutionally: that is to say, against his wishes. President Yeltsin welcomed the results of the referendum: and no doubt President Lukashenko is banking on a seat in the Politburo when it re-forms in due course.

In any case there was not much likelihood of a working parliament in Belarus for some time to come, thanks to an electoral process of Byzantine complexity. No candidate was permitted to appear on radio or television: and no candidate could be elected in the first round unless half of the registered voters in his constituency cast their votes and one candidate polled more than half of these votes. Since there was an average of ten candidates per constituency, these were conditions most unlikely to be met. The second, third, and even fourth rounds of voting are likely to drag on.

As to the referendum, the state-run television service—there is no other—did its best to ensure the correct result. President Lukashenko's principal opponents were revealed during a two-hour documentary film to be "fascists"—a film repeated on the eve of the referendum, "by popular demand," according to a member of the Communist Party. No right of reply was considered necessary.

A propensity to mass murder is not something of which Communists in Minsk should lightly accuse their opponents. After all, one of the suburbs of the city is built over the mass grave of perhaps 200,000 "enemies of the people," shot by the Communists between 1937 and 1941. But such facts do not seem to have the moral significance for the people of the former Soviet Union that they have for outsiders. Many now remember the Brezhnev years as a golden age, though Brezhnev was in apostolic succession to the mass murderers. There may have been complete stagnation during his reign, but there was also some certainty about what each miserable day would bring. Even without undue pressure, many would have voted for a restoration of the status quo ante.

Most of the Western organizations monitoring the elections thought that, imperfect as they were, they represented a step toward democracy. To the contrary, they represented a flight from democracy, which was in part coerced, but in part a genuine expression of disgust with changes that have brought BMWs to the *nomenklatura*, but few other tangible benefits.

As a messianic doctrine Communism is dead; but it lives on in the minds and hearts of innumerable people, whose demands on life have been so reduced by it that even a ration of poor-quality sausage can seem to them the highest possible good.

## *Notes & Asides*

### ■ Remarks, May 2, at a Dinner Honoring Norman Podhoretz on His Retirement as Editor of Commentary

Mr. Chairman, ladies and gentlemen, Midge:

I remember spotting the item in *Editor and Publisher*—after William Shawn resigned from, or rather was retired from, *The New Yorker* some years ago—



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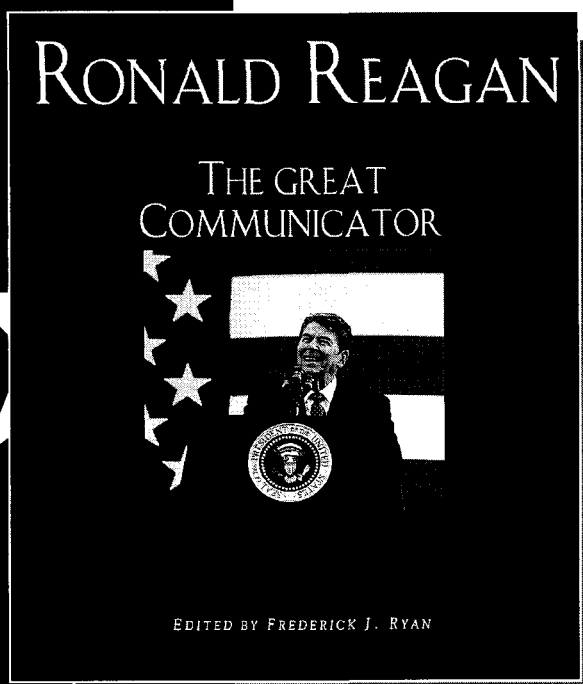
*"I have always tried to talk from the heart to you, the American people."*

—**RONALD REAGAN**

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*"Unlike the FDIC, we at the Happyhaven Secondary School do not adhere to the policy of 'too big to fail.'"*

that I was now, as editor of NATIONAL REVIEW, the longest-reigning magazine editor in America. The ink was hardly dry on that announcement before I found myself propped up at a ceremonial banquet, retiring as editor, after 35 years of service. Norman and I have a lot in common, I like to think, but add to that list our inclination to orotund cycles. Thirty years as editor would have been a little on the frivolous side, forty years, a little topheavy—lapidary.

It has been a heady tenure, for Norman obviously, but also for the legions who have observed with admiration and awe the services he has performed so self-effacingly—to be sure, occasionally extruding an autobiographical book that reminds us of the distance he has traveled. I say legions and I mean it. The gap between the circulation of *Commentary* and its influence does not surprise: *The New Republic* was the brain trust for the New Deal when its circulation amounted to 35,000, and NATIONAL REVIEW went to one of our subscribers, Ronald Reagan, when our circulation was a mere 15,000, and Reagan was still a mere Democrat.

But although we know that there is no correlation between the size of a magazine's circulation and its influence, it is nevertheless disappointing when now and again one bumps into the profundity of the ignorance of so many of our public men. This was brought to mind a year or two ago when Senator Moynihan was arguing the qualifications of Carol Iannone to serve on the board of the National Endowment for the Humanities. She was facing the charge that she had published "only" in *Commentary*. Senator Moynihan thought to tell his colleagues on the floor a little story. It was that hitching a ride with Vice President Mondale on Air Force 2 one afternoon in the late Seventies he had urged his host to read the current issue of *Commentary* for special insight into a then-burning question. The good news, said Senator Moynihan, was that Mr. Mondale had agreed to read the article. The bad news, that he had never before heard of *Commentary*. It is not politically correct to argue the need for a rudimentary public literacy. On the other hand, here *Commentary* had one fewer subscriber than it should have had, and the cost to the nation was the reduced vision of the Vice President of the United States.

Norman Podhoretz led the way to a new vision for his magazine. The itinerary is familiar to those who feel a special debt to him for endowing the movement he embraced with such strength and discipline. The movement he left behind is described in the current issue of *Commentary*. The author writes, *"The trouble is that thirty years of shuffling have blurred the creed, so that liberalism now resembles a person who has undergone 27 face-lifts; the natural contours have disappeared. . . . Mainstream liberalism—the kind that exists in national and local politics as opposed to university campuses—has become vaporous. There are no deep channels of energy."*

That review was written by David Brooks, whom I encountered as a very young student at the University of Chicago. He was then a liberal, but he declined the proffered face-lifts. And now he has been recruited away from the *Wall Street Journal* by Rupert Murdoch, as a part of the editorial nucleus that next fall will publish yet another conservative journal, a weekly. NATIONAL REVIEW is forty years old this fall, and to get where we are we were required to absorb a deficit of $19 million. Never mind. As a fraternal gesture, I promise Rupert that if the time comes, I shall happily teach him how to write Fund Appeal letters.

Norman Podhoretz's career brings to mind the comment by Phil Harris years ago when our first astronaut took flight. "What I admire about him," Harris said, "is that he did it without nets."

I don't mean to suggest that Norman was all alone when he spotted that great horizon and decided to pursue it. For one thing, who needs nets, who has Midge alongside? But he did need to take issue with many who were still engaged in face-lifting, and it must have been terribly hard, and very, very lonely: during those days it didn't seem right to extend one's hand spastically to those who had been adversaries. The ordeal of the convert is heroic—a pain I never experienced, and for that reason, among others, so singularly honor. But the evolved Norman Podhoretz is, as always, a man of great brilliance and extraordinary erudition, with the skill of the devoted teacher but with a vision now that uses fully his skill. And he is, for all his passionate devotion to the cause of the Jewish people, genuinely ecumenical. It does not offend him, I am sure, that from time to time I have prayed, obviously with insufficient fervor, for the conversion of the Jews.

But in closing I speak for no one other than myself, for reasons this is not the occasion to explicate, in professing my gratitude to him. As a thinker, as a moralist, as a teacher, and as a friend. **—WFB**



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# ON THE SCENE

## Mr. Lugar's Wonderful Life

RICH LOWRY

Roman Genn

WASHINGTON, D.C.

INDIANA Senator Richard Lugar's personal office in the Hart Senate Office Building is softly lit and cluttered. Knickknacks cover his desk, souvenir mugs, pen stands, little brass elephants from one end to the other. A clock the shape of Indiana sits on a coffee table; a five-foot-tall stuffed Mickey Mouse sporting a Dick Lugar name tag leans against a bookshelf. It all has a familiar feel, as if you've wandered from the bustling halls of Congress into your grandparents' living room.

Lugar himself, 63, gentle, a little fussy, does little to dispel the feeling. Henry Foster's nomination, the latest nasty skirmish in an ongoing culture war, dominates talk radio and the headlines. "My view," Lugar says, "is the President, given the controversy surrounding Dr. Elders, should have tried to find the very best physician in the United States to use the forum that's provided . . . to talk about public-health measures." From his tone, it would be difficult to tell that Lugar was discussing anything more controversial than spring gardening: best, all things considered, to plant your lettuce by the third week in March.

"I've always tried to approach problems," he explains, "with the thought that a lot of people weren't going to agree with my position. But I was going to need their good will if I were going to make broad changes. To make big changes you need to have at least good will from people that understand that your motivation is to try to do the right thing, that you're not cutting corners morally or ethically, that you're not going to stridently beat down everybody who disagrees with you or intimidate them."

Lugar's studiously reassuring manner helps explain why he doesn't receive Strange New Respect—the accolades reserved for conservatives who abandon their principles—but receives an even stranger respect: Lugar voted with President Reagan more often than any other senator in the 1980s, maintains a healthy 82 per cent American Conservative Union rating, yet still garners admiring plugs from Al Hunt and the *Washington Post*. He demands respect. If Lugar's manner is grandfatherly, so is his conservatism. His worry about the dangers of the post–Cold War world and vision of rekindled wage growth through increased savings are throwbacks to old admonitions: Be careful. Get a good job. Save your money.

Lugar, the latest long-shot GOP presidential aspirant to announce his candidacy, was born in Indianapolis, where his father owned a farm and small business. His life could have been sketched by an unimaginative 1950s screenwriter. He became an Eagle Scout while attending Shortridge High School, where he earned straight A's. At Denison University, he became co-president of the student body with his future wife (still married, four sons, seven grandchildren). Lugar won a Rhodes Scholarship. After Oxford, he dutifully marched to the U.S. embassy and volunteered for active duty.

He served in the Navy from 1957 to 1960 as an intelligence officer on the staff of Admiral Arleigh Burke before returning to Indianapolis to help save the family business. Then the plot lines of *It's a Wonderful Life* begin to fade into *Mr. Smith Goes to Washington*. Lugar ran for the local school board, where he supported voluntary desegregation and a variant of magnet schools. He won a race for mayor of Indianapolis in 1967, then parlayed his two widely acclaimed mayoral terms into a successful U.S. Senate bid in 1976.

Mayor Lugar pursued a good-government agenda, the foremost accomplishment of which was "Unigov." The outlying suburbs of Marion County were combined with the city proper into one governmental unit, the dream of many urban experts at the time. Unigov worked according to plan. The broader tax base provided funds for redevelopment, while the administrative efficiencies from governmental consolidation made it possible for Lugar to cut property-tax rates. The resulting influx of suburban, Republican voters, meanwhile, gave the GOP a virtual lock on the Indianapolis mayor's office.

Lugar became known as "Nixon's favorite mayor," and it didn't take long for the politicos around Lugar to realize they had a potential golden boy on their hands. "There's nothing that just happens in Indiana in the political or basketball arena," says Keith Bulen, a former national committeeman and longtime party activist. "I kept [Lugar] in the race for Vice President when I handled him at the national convention [in 1972]. I had him made a keynote speaker and we sent our entourage down. We had our cars and we threw our dinners for the national press group and our receptions for the national committee and the delegates and so forth. He was only mayor then, but we wanted to introduce him well. We've always continued that push."

Unseating incumbent Vice President Spiro Agnew in 1972, of course, wasn't a real possibility. But Lugar was on the list of potential replacements when

*Mr. Lowry is* NR*'s national political reporter.*



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Agnew resigned in 1973. His name surfaced again in 1980 when Reagan was picking a running-mate ("in the running clear up to the night we selected Bush," says Bulen, a deputy chairman of the Reagan campaign). In 1988 Lugar missed out again when George Bush selected junior Indiana Senator Dan Quayle, a move that must have seemed to Lugar associates like passing over Ward Cleaver in favor of the Beaver.

In the meantime, Lugar was building a record of independence in the Senate. Early on he was a key player in both the Chrysler and New York City bailouts, helping to cut the deals but insisting on strict conditions in both cases. "He saved New York," former Mayor Ed Koch flatly says. But Lugar's passion was foreign affairs. He led the Foreign Relations Committee in 1985–86, and he has displayed a willingness to go his own way. He helped convince Reagan to dump Philippine President Ferdinand Marcos in 1986, and pushed through sanctions against South Africa over a Reagan veto later that year. His crowning achievement came in 1991 when, with Senator Sam Nunn (D., Ga.), he devised a widely praised plan to pay for the dismantling of nuclear warheads in the former Soviet Union.

It's not the record of a conservative activist, but Lugar can plausibly argue that he has been vindicated by events in each instance (Chrysler and New York back on their feet, Fidel Ramos and Nelson Mandela leading nascent democracies). And his conscience has its conservative edge, too. He stood up to the unions when they still had big clout in Indiana. He's been steadfastly pro-life, even if it's not a position he broadcasts. Despite Indiana's status as a farm state, he talks sense on agriculture: he pushed to scale back the 1990 Farm Bill, then worked to shut down worthless Department of Agriculture field offices in 1992, and now, as chairman of the Agriculture Committee, proposes deeper cuts in farm subsidies than either the Senate or the House Budget Committee.

This willingness to serve spinach is the basis of Lugar's presidential bid. He wants to be the candidate who doesn't pander, the GOP version of Paul Tsongas. So he promises to make foreign policy a touchstone of his campaign, particularly the terrorist potential of nuclear, biological, and chemical weapons. After a disaster, he says, everyone will ask: "Why was there no one of vision who understood that this enormous danger was out there?" Lugar is a hawk on the deficit too. But he has sweetened his budget-cutting message by advocating eliminating the income tax—and the IRS—in favor of a national sales tax. This program, he argues, will boost the U.S. savings rate, creating the investment needed to increase growth and wages. "We would once again have a very dynamic, vital economic system," he says. Make that Tsongas with a dash of Jack Kemp.

Even if Lugar wanted to pander—his talk about the IRS can come close—he'd have trouble doing it. His rhetorical style wavers between dull and duller. At the Indiana state convention last year Lugar delivered a disquisition so soporific that reporters at first missed the news he dropped in the midst of it: he and Sam Nunn had been tapped by the Administration to go to North Korea. This weakness plays into another: Lugar the Foreign Policy Maven, Lugar the Deficit Cutter, even Lugar the Radical Tax Reformer are plausible in a way Lugar the Party Leader—an indispensable role for a modern President—is not.

"Dick is much more, frankly, a statesman than a politician," says John Sweezy, chairman of the Marion County party. Bulen bristles when asked about Lugar as a politician: "We don't mix our candidates and politicians quite so much out here." Says Benjamin Lantz, president of the University of Indianapolis, where Lugar serves on the board, "I have never, ever heard him coming down hard on the other party or saying things that disparage the character or person of another politician." These are all compliments—except for a man vying to lead a GOP still smarting from the gentlemanly non-partisanship of George Bush.

Lugar campaign aides talk of raising $10 million and getting their candidate with as many small groups of GOP voters as possible. They hope it will become clear that, like Phil Gramm, Dick Lugar is smarter than you, only he's nicer too. Lugar does have a quiet charm. It's said of some politicians that if they could shake every voter's hand they'd be assured victory. For Lugar the standard is higher. If he could talk in his personal office for an hour with every voter, he'd be tough to beat.

But that's not the way we choose presidential candidates—for a reason. The pandering, the soundbites, the partisanship it takes to get nominated are all intimately related to the skills necessary in the Oval Office today. Being an Eagle Scout, sad to say, just isn't enough. □

# Immigration Reform

IRA MEHLMAN

WASHINGTON, D.C.

PRESIDENT Clinton's decision on Cuban refugees reignited a national policy debate about immigration. Under an agreement worked out with the Cuban government, the U.S. will resettle the 20,000 or so Guantanamo detainees, who Clinton had vowed, only a few months earlier, would never be allowed to come here. In exchange, Castro has agreed that future boat people intercepted by the Coast Guard may be returned directly to Havana.

With one stroke of the pen, Clinton managed to anger Cuban-Americans, advocates for Haitian boat people who are also being held at Guantanamo, Florida taxpayers, and the majority of Americans who are growing increasingly weary of waves of people demanding admission. The White House also demonstrated that it hasn't lost its knack for stepping on its own headlines. The abrupt about-face on Cuba came only four days before the President gave a national radio address in which he announced an important new initiative to control illegal immigration and to deal with immigration emergencies of the kind that has turned Guantanamo into a permanent refugee camp.

The Administration's legislative initiative, introduced in the Senate by Ted Kennedy (D., Mass.), is only one of

*Mr. Mehlman is California media director of FAIR (the Federation for American Immigration Reform).*



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many that Congress will be considering. The President's proposal contains provisions that Alan Simpson (R., Wyo.), chairman of the Senate Immigration Subcommittee, found impressive enough that he delayed a mark-up of his own immigration reform bill in order to incorporate elements of the Administration's bill, according to Dick Day, the subcommittee's chief counsel.

There is a near consensus on both sides of Capitol Hill and on both sides of the political aisle that, before the end of the year, Congress will pass legislation aimed at clamping down on illegal immigration. At the very minimum, congressional leaders promise tougher border-control provisions, a work-eligibility verification system, and more restricted access to public benefits and services by illegal aliens.

Changes in the legal immigration process are also possible, though such changes face a tougher fight, particularly in the House. Even if outright reductions in legal immigration levels cannot be achieved, both Simpson and his counterpart in the House, Lamar Smith (R., Tex.), believe that several significant reforms are achievable. At the top of their list is shifting the emphasis away from extended family reunification in favor of a more skills-based system, and making sponsors liable if the immigrants they bring here become public charges.

Simpson is also likely to introduce a second bill in June in which he will call for cuts in overall immigration levels. Though he would not name an exact figure, Day believes that 500,000 a year (down from current levels of about 900,000) would be a reasonable estimate, judging by a bill Simpson and Bob Dole introduced late in the 103rd Congress. For his part, Smith is not prepared to advocate actual cuts in legal immigration levels. "It's not about numbers," insists Smith. "It's about making immigration policy serve the national interest."

Though he may not be overjoyed at the prospect, Michael Myers, Kennedy's top staffer on the Immigration Subcommittee, stated publicly that his boss expects immigration levels to be adjusted downward. There have also been hints that the White House might go along with cuts in overall levels. Responding to a question at an immigration forum at the World Affairs Council in San Francisco, Immigration and Naturalization Service Commissioner Doris Meissner, who often speaks for the Administration on this issue, challenged Congress to put such a bill on the President's desk.

Significant opposition to reducing immigration is more apt to come from within the GOP. Newt Gingrich has stated that he wants very much to bring an illegal-immigration control bill to the floor of the House, but has said on several occasions that he does not see a problem with current levels of legal immigration. Even stronger are the views of House Majority Leader Dick Armey. He told a Cato Institute audience May 9 that "if anything we should be thinking about increasing legal immigration." Armey might even attempt to block illegal-immigration control legislation if it contains a computerized registry to verify work eligibility—a system that Simpson, Smith, and former Representative Barbara Jordan (D., Tex.) view as the cornerstone of any effective strategy to combat the problem. Armey called a computerized registry "just a euphemism for a national ID card," which would be "an abomination and wholly at odds with the American tradition of individual freedom."

Smith, who says he "will only produce a bill that is supported by the [House] leadership," is steering clear of the thorny question of numbers, though he thinks Armey's objections to a computerized verification system can be overcome. "I think we ought to consider whether it would be a benefit to take a breather from the current high levels of immigration and give recent immigrants time to assimilate and become citizens," says Smith. But right now he is more concerned about passing a bill that will deal effectively with illegal immigration and end what he calls the "gaming of the legal immigration system."

While Smith has to be concerned with the positions of House leadership, he also acknowledges that there is a significant movement within the party toward dramatic reductions in immigration levels. Patrick Buchanan has made shutting off the immigration flow a major plank in his presidential campaign platform and appears determined to force the other Republican candidates to stake out a clear position on this issue. The leadership's stance also faces a challenge from within Republican ranks on Capitol Hill. Congressman Bob Stump (R., Ariz.), the chairman of the House Veterans' Affairs Committee, has introduced legislation calling for a moratorium on legal immigration (with exemptions for spouses and children of U.S. citizens and some refugees), which would result in levels being pared back to about 250,000 annually.

Stump, who waited patiently during the first hundred days while the leadership pursued the agenda in the Contract with America, is now actively and personally promoting his moratorium bill. In just one day recently, he recruited 33 new co-sponsors (bringing the total to 65) and expects to find many more members—especially freshmen—who share his view that the country does not need much additional immigration. It doesn't take heavy arm-twisting to find willing co-sponsors for the moratorium idea, says Stump. He nonetheless faces an uphill battle, though he vows to "try my damnedest" to bring his bill to the floor for a vote.

Smith, whose committee has jurisdiction over all immigration matters, promises that Stump's moratorium bill will get a hearing. Though neither Smith nor Simpson personally favors a moratorium on immigration, Mark Krikorian, executive director of the Center for Immigration Studies, believes that they are not displeased by talk of a moratorium. Because there is a libertarian, open-immigration streak in the House leadership, a viable threat of a moratorium movement strengthens the hand of centrists like Smith and Simpson by making a moderately reformist position seem more reasonable.

After the resounding victory of Proposition 187 in California last year, and with similar ballot measures being readied in Florida and other states for 1996, it seems certain that a tough illegal-immigration control bill will be on the President's desk by fall whether or not it is accompanied by an overhaul of the legal-immigration process. With the presidential campaign approaching, Simpson is anxious to get it all done this year, says Dick Day. After 15 frustrating years of grappling with the damaging effects of the current immigration policy, Simpson knows better than anyone that not getting it done this year means coming back and facing it next year or the year after that. □



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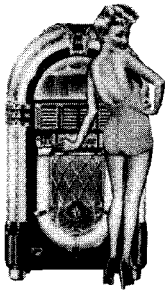

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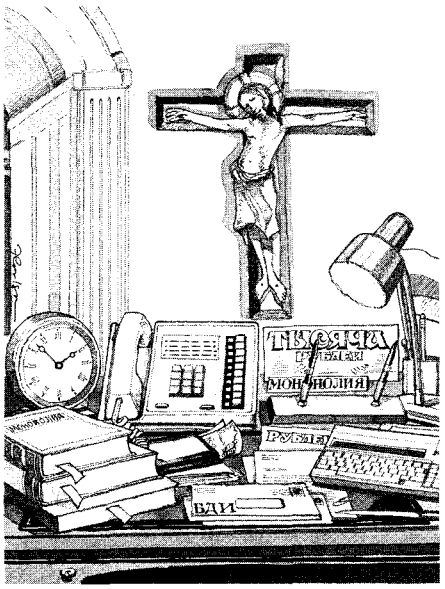
# Seeking the Sanctuary

LAWRENCE UZZELL



Fred Carlson

Moscow

IN 1911, Moscow's just-finished Church of the Immaculate Conception was a monument to the dawn of religious freedom under Nicholas II. In this city of onion domes, a Polish-born architect designed the city's third Roman Catholic church to look as Western and Gothic as possible—modeling its façade on Westminster Abbey's. Today that façade is covered with scaffolding as Moscow's Catholics work to restore their plundered heritage. But the scaffolding may symbolize just another false dawn before a new wave of repression.

On March 8 four Catholics were arrested and fined for "violating public order." Their offense: entering parts of the church that are still off limits to parishioners. Though the city government has pledged repeatedly since 1991 to return the entire building to the Catholics, five-sixths of it remains under secular socialist control. Thus this cosmopolitan city of 10 million has only one and one-sixth functioning Catholic churches—one-sixth more than during the Soviet era. The city has simply ignored its own deadlines for returning Immaculate Conception, forcing the parishioners to take matters into their own hands.

*Mr. Uzzell is Moscow representative of the Keston Institute, a research center that studies religious freedom in Russia and Eastern Europe.*

Like most churches in Moscow, Immaculate Conception was confiscated from believers during the Stalin era. For nearly six decades Catholic services disappeared from its lofty, four-story nave. The nave itself vanished as the building's new masters installed interior floors and partitions, eventually turning it into office space. They even tore down the steeple.

Moscow's Catholics, led by the local Polish-Russian group Dom Polski, began campaigning in 1989 for the authorities to return the building. (Moscow's Catholics are largely Russian citizens of Polish ancestry). In 1990 the Immaculate Conception parish was revived as a worshipping community, some of whose older members had been baptized in the church or had attended services there as children. This reborn community held its first Mass on the building's front steps that year, on December 8, the Feast of the Immaculate Conception. Soon afterward the city government issued the first of several decrees ordering the building's return to the parish. But nothing happened.

The city-owned firm that has occupied the building for the last several decades, an industrial-design business called Mosspets Promproekt (MSPP), demanded that the parish pay it rent even for temporary use of only part of the building. The Catholics refused. By mid 1992, despite another city decree ordering the church's gradual, room-by-room return, MSPP was still holding onto the entire building. So the parishioners took action.

Twice over the next year—in July 1992 and February 1993—the Catholics "peacefully invaded" portions of the building to reclaim them for church use. Both of these invasions were successful, with no arrests or retaliation by the authorities; according to parishioners, the policemen who came in response to calls from MSPP actually supported the Catholics after listening to both sides. The episodes ended with the parishioners in possession of the rooms they had entered. In retrospect it seems clear that, had they not used these tactics, the Catholics would still be locked out of the entire building.

So the Catholics now have physical control of the church's basement and about one-third of its first floor, with MSPP occupying the rest of the first floor and all of the other three floors. Weekday and Sunday masses take place in Polish, Russian, Spanish, and even Korean. A parish-affiliated seminary holds classes in portable trailers parked in the churchyard.

Moscow's federal and municipal authorities have issued further decrees supporting the parishioners' claim to full control of the building—some of these in direct response to summit meetings of President Yeltsin and Prime Minister Chernomyrdin with their counterparts in Poland. But at the concrete level of physical possession, nothing had changed since the "peaceful invasion" of 1993.

Hence the third "peaceful invasion" this March 7 and 8. But this one had quite different results from the first two. The police took the side of MSPP against the Catholics, dragging them out of the building and hauling some of them into court. One nun suffered a concussion and was hospitalized for several days.

In response to the resulting protests from the Polish government and mass media, the Russian Foreign Ministry issued a one-sided statement ignoring all facts not favorable to MSPP or the city government. It described the entrenched MSPP as "temporarily" occupying part of the building, emphasized the property losses which the firm had allegedly suffered in the March incident, and implied that an ongoing "criminal case" might be pursued against the Catholics. It declared that the city government, "in accordance with a resolution of the government of the Russian Federation, has been instructed to vacate the church's building completely by the end of 1995," but that nevertheless "certain parishioners have preferred to act in violation of law and order." Yet the city and MSPP have repeatedly broken the law by ignoring decrees and resolutions under which the building was to have been completely returned by the end of 1993, then by the end of 1994.

Compared to the Foreign Ministry and the Moscow city government, which are run by unbelievers exploiting anti-Polish and anti-Catholic bigotry for political purposes, Russian politicians who are practicing Orthodox Christians have been more inclined to support the Catholics. Valery



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Borshchev, a former member of the Moscow city council and current member of the Duma (the lower house of parliament), accuses the city of "consciously" violating the 1993 federal constitution's guarantee of equal rights for all religions. Vitaly Savitsky, a member of the Duma from St. Petersburg and co-chairman of the Russian Christian Democratic Union, participated in the parishioners' March 10 press conference at the church. "It may seem that these parishioners broke the law," he said, "but we know that our Lord chased the money-changers from the temple in Jerusalem."

Shrewdly, Savitsky was defending the Catholics at their most vulnerable point. MSPP did not even exist when Immaculate Conception was confiscated in the mid 1930s; like many organizations that now occupy church buildings in Moscow, it inherited a situation it did not create. "This is our place of work, where we earn our living," chief engineer Aleksandr Uvarov told me. He said the firm would go out of business, leaving its workers jobless, if it were expelled without another building to move into. He noted that the decrees which order the church's return also say that another home must be found for MSPP. "The parish's quarrel is with the Moscow government, not with us," he said.

MSPP Director Yevgeny Afanasyev also portrayed the firm as a victim. "We pay taxes on the entire building, even those parts which we don't use," he told me. "We also pay for all the water, heating, and other utilities; the Catholics say that they will refuse to pay anything as long as we are 'exploiting' their building."

Mikhail Moskvin-Tarkhanov, a member of the city Duma and practicing Orthodox Christian who has appealed repeatedly to Mayor Luzhkov and the Moscow bureaucracy on the Catholic parish's behalf, scoffed at MSPP's claim to be a net taxpayer. The total amount that the firm pays in tax and utility bills, he said, is "a trifle—only in the millions of rubles," i.e., thousands of dollars—a tiny fraction of what MSPP earns by subletting parts of its rent-free building to other enterprises. Furthermore, MSPP depends on state subsidies.

Between visiting Afanasyev's and Uvarov's offices, I strolled around the MSPP part of the building. It was obviously underused, with several large areas completely empty except for storage. I said to Uvarov, "You said you have 233 employees here. Where are they?" He changed the subject: "Suppose there were only one employee—would that give the Catholics the right to invade our building?"

Even if MSPP's count of 233 employees is accurate, it should be compared with the number employed in the 1980s: about 600, Uvarov says. With fewer than half that number of workers, MSPP clearly does not need five-sixths of its old space, especially since the firm does not work on Sundays, when the Catholics' need is greatest.

Despite the MSPP officials' appeal to property rights, portraits of Marx, Engels, and Lenin still hang in their personal offices. Afanasyev proudly showed me licenses, registration certificates, and other documents from the Khrushchev and Brezhnev eras to prove that "we're here by law."

Under Mayor Luzhkov's brand of feudal socialism, Moscow still has no private property in land. Typically a business does not even own the building it occupies; instead it has a long-term lease, most easily obtained through knowing the right people or simply through bribery. With regulations artificially restricting the creation of new office space, moribund socialist "businesses" like MSPP often see their prime downtown office sites as their most valuable assets. And with city officials trying to control virtually every transfer of office space, bureaucrats disguised as "businessmen" fight for every building they can get.

Outsiders such as Moscow's Catholics are ill equipped to win such fights. It turns out there is a direct, practical connection between economic freedom and religious freedom. Despite its new constitution, today's Russia has far less of either than it claims. □

# Budget Jockeying

LAWRENCE KUDLOW

WASHINGTON, D.C.

AFTER hiding behind the mantra "Show me the details," the Clinton Administration now faces a moment of truth. Both the Domenici budget in the Senate and the stronger, tax-cutting Kasich budget in the House provide details of what it would take to reach balance by 2002. The President, whose own budget left deficits at nearly $300 billion as far as the eye could see, looked at the Republican budget and blinked. He told a news conference: "I don't want to jump off the deep end on Medicare cuts . . . to pay for huge tax cuts which we cannot afford and which mostly go to upper-income people."

This is the same tired rhetoric that failed the White House so badly last November. Americans are not interested in class warfare or fear-mongering; they want relief from excessive government. And the Kasich budget shows that a determined effort can include both spending restraint and tax cuts. By slowing the growth of entitlements and eliminating scores of unnecessary programs and agencies, the Kasich budget lowers the spending baseline by roughly $1.4 trillion over seven years, with tax cuts estimated (on a static basis) to lower revenues by roughly $350 billion. However, revenues would still grow by a 4.3 per cent annual rate, while spending would rise at a 2.5 per cent annual rate. That is, contrary to Democratic disinformation, "deep cuts" in key programs are merely smaller increases. Thus, while the House plan lowers Medicare by $282 billion and Medicaid by $198 billion *from the levels forecast by the Congressional Budget Office* (plus savings of $117 billion in welfare and retirement, $73 billion in the education, training, employment and social services functions, and $22 billion in transportation), each of these would rise by *at least* the projected inflation rate, and in the case of Medicare would rise by about 6 per cent a year.

On taxes, major changes contributing to economic growth, such as lower capital-gains rates with indexing, liberalized depreciation write-offs, an end to the AMT, expanded IRAs, and a higher estate-tax deduction, would *raise* revenues by moving the meager CBO estimate of 2.2 per cent yearly growth to at least 3 per cent, in line

*Mr. Kudlow is* NR*'s economics editor.*

*(Continues on page 76)*



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THE VICE PRESIDENT
WASHINGTON

PRINTED ON RECYCLED PAPER

May 21, 1995

Dear Rusty,

Well, I'm back from London, where I participated in the V-E Day celebrations. I've enclosed some pictures—me and the Queen, me and Prince Philip, me and one of the guys who guards Buckingham Palace (boy, can those guys keep a straight face! Talk about wooden!), me and the Princess of Wales, and finally, me and Prince Charles, whom I had never met before, but boy! did we ever hit it off!!

He likes gardening; I like gardening. He talks to his plants; I talk to mine. He grew up in a place called Balmoral; I grew up in a hotel. His father can be crotchety and tiresome; so can mine. And I'm pretty sure he went to private school too.

After the ceremony, Tipper and I trooped back to the palace. I was in a car with the Queen, the Prince of Wales, Rupert Murdoch, and Margaret Thatcher (those last two aren't people—they're Corgis) and the Prince and I had a fascinating conversation about deforestation and marriage.

"Look at all that devastation," said the Prince, as our car drove away from the war cemetery and passed rolling field after rolling field of pasture land. "The ravages of agriculture," he said.

The Queen sighed a bit, stroking Margaret Thatcher and Rupert Murdoch.

"Of course," I said, "as a farmer, I must say that there is an ecologically sound way to farm."

"Yes," agreed the Prince. "But it's awfully hard for one to get one's farm hands to follow one's wishes when one isn't there to keep an eye on them."

I nodded.

"Tell me something, Mr. Gore," asked the Prince. "One reads such lurid accounts about your President and his wife—should one believe them?"

I shook my head vigorously, and went on to denounce the tabloid quality of the press.

"I could sing a few bars of that," murmured the Queen to herself.

"Yes, well," Prince Charles went on, "if one finds oneself the President, one can't very well sack one's wife, can one?"

"Not really, no."

"Of course not. One's gone dashing all over the States telling everyone how much one loves one's wife, one can't give her the old heave-ho, can one?"

"Um, . . . no, one can't."

"Especially if one is married to the most beautiful, most famous, most beloved woman in the world," he muttered darkly.

"Well, Mrs. Clinton will be very flattered."

"Who?"

I quickly changed the subject to composting. That seemed to clear the air a bit, and we soon pulled up at the reception. Tipper, unfortunately, rode in a small car with Prince Philip, who kept leaning close to her and whispering, "I'm a bit like your Bill. . . . I like a bit of the other . . ." while squeezing her knee, so we were both a bit frazzled.

It's funny, though—for all our differences (monarchy, tea time, Benny Hill) we have remarkably similar cultures. The Prince compared his position as a monarch-in-the-wings waiting for his turn, to my role as Vice President.

"That's very perceptive," I said. "Although I know with certainty when my turn will come: four years from election day 1996, after Bill's second term."

"Of course," he said, "one can't be sure of that, can one? One could lose the election. One could find oneself done in by a scandal one didn't even create. No, the best way to ensure that one attains the office one seeks is for one to inherit it."

"Well, for you perhaps. You definitely will inherit the throne," I said.

"Not at this rate," the Prince sighed, looking over at his mother who was busily piling her plate high with cakes and cookies and chocolates. "At this rate, I'll be ninety."

Tipper waved from across the room. She was seated on a very small sofa with Prince Philip.

"We're a lot alike, you and I," said the Prince. "We're both waiting around to inherit the big chair. We both have someone standing in our way. We're both one unexpected . . . tragedy . . . away from realizing a lifelong ambition."

"Well, I'm not sure—" I began.

"Have you ever seen that Hitchcock film, 'Strangers on a Train'?" he asked.

"I'm not sure," I said. You know what a terrible memory I have for movie plots, Rusty.

"I'll send you a copy," said the Prince. "Tell me what you think of it."

"I'll be happy to," I said, and moved off to rescue Tipper. We flew back the next day, and that night, a videocassette arrived from the British Embassy.

As soon as I sign off here, I'm going to pop it in, and Tip and I are going to watch it together. I wonder what the big deal is? Oh well . . .

Your pal, Al



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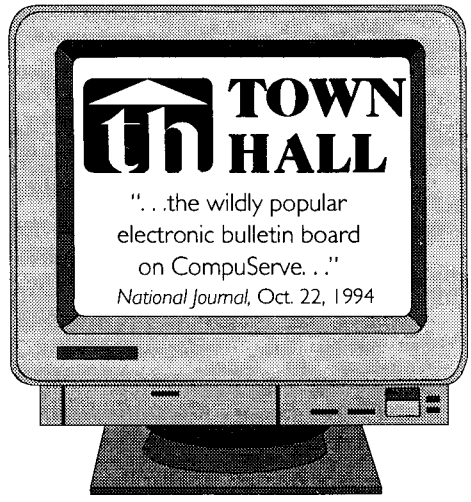


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*Bay of Pigs II?*

# THE OTHER CUBA

The Cuban diaspora is one of the most successful immigrant communities in the United States. But the mainstream media sees only elderly reactionaries preparing to invade.

**MARK FALCOFF**

THE decision of the Clinton Administration to revoke a thirty-year precedent and turn back people on rafts seeking to escape Castro's island has once again put the Cuban-American community in the headlines. It has also revived a long campaign of vilification by the prestige media, centering on the supposition that it is a handful of reactionary émigrés, rather than Castro himself, that constitute the chief obstacle to democracy and freedom on the island.

Indeed, no article on Castro's Cuba these days seems complete without some "balance"—which means a look at the Miami alternative, against which ordinary Cubans are said to recoil. As *U.S. News & World Report* put it not long ago, while the exiles' clout in American politics is obvious, "it is less clear whether their goal is promoting democracy in Cuba or restoring 1950s-style rule by a wealthy elite."

Or here is *The Los Angeles Times Magazine* in May 1992:

> Most of [the] exiles [are] of the white upper class. Today in Cuba, 65 per cent of the islanders are black or mulatto. If they have not exactly prospered under Castro, at least they have running water, electricity, and access to education. They owe their loyalty to Castro, no matter what freedoms they lack, and many fear that rich white exiles . . . will return them to their pre-Castro peasant status.

The most recent major attack on the community came in the form of a sensational piece, in *The New Republic* ("Our Man in Miami," October 3, 1994) by Anne Louise Bardach. The ostensible subject is exile leader Jorge Mas Canosa, founder of the Cuban American National Foundation, whose portrait Miss Bardach paints with a brush as wide as the Mississippi—and just about as muddy. (Among other things, she describes him as a member of the "roughest, toughest crowd this side of the *mujahedin*," and a man "born and bred by the CIA.") Her purpose is to conflate Mas, the Cuban-American community, Miami vice, and exile fringe groups into an undifferentiated whole. (Her idea of a Cuban-American "moderate," appears to be Francisco Aruca, who runs the Marazul charters to Cuba and is a close personal and business associate of Castro.) The placement of the article in *The New Republic* was particularly inspired, since alone of American liberal journals it boasts an unblemished record of opposition to Castro and all his works.

When mainstream magazines are repeating these old clichés, something is in the air. Partly, it is the "Anglo" media's distaste for the emotionally extravagant tone of Cuban émigré politics, combined with a lack of sympathy for immigrant communities that appear to lack adequate commitment to left-liberal political values. In addition, it is the use by some American journalists of the Cuban-American story as part of a grand effort to provide a soft landing for the agonizing Castro revolution, the final repository of New Left illusions. In this sense the demonization of the Cuban-American community is an attempt to influence American policy toward Castro by convincing ordinary Americans that their government has been manipulated into pursuing policies contrary to their interest by a tiny but powerful minority supposedly armed with limitless financial resources and ruthless political cunning. The time has come to re-examine the assumptions on which this myth is based.

## *E Pluribus Unum*

ALTHOUGH most Cuban-Americans live in Dade County, Florida, there are communities in almost all of the major metropolitan areas, including New York City, Boston, Los Angeles, Chicago, and Houston. They are the product of three consecutive (but quite different) waves of emigration. The

*Mr. Falcoff, a resident scholar at the American Enterprise Instiute, is working on a cultural history of U.S.-Cuban relations since 1898.*

 ILLUSTRATION BY ROBERTO PARADA

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first, from January 1959 to October 1962, comprised about 250,000 men and women (and their children) drawn from the business and professional classes. Most were "white"—that is, of Spanish origin—but few were associated with the Batista government. Between December 1965 and April 1973 another 400,000 people emigrated, this time from virtually all socio-economic classes. Finally, in 1980 the Mariel boatlift produced a third wave—nearly 120,000 people—including many unskilled workers and (for the first time) numerous blacks. A handful of common criminals and mental patients also arrived, but these were deliberately introduced by Castro to bedevil U.S. authorities and discredit the exile community as a whole.

In spite of the differences in their origins (and the falling social level of immigrants gives the lie to the notion that Castro's policies have benefited the poorer segments of Cuban society), the three communities have gradually melded into one. To be sure, the diaspora continues to display the tendency toward factionalism, schism, and infighting which so bedeviled the political life of the island in its pre-Communist days. On the other hand, there is little in its background to suggest a historical penchant for exotic right-wing ideologies.

In fact, between the end of the Cuban war of independence in 1898 and Castro's seizure of power in 1959 there was no Right at all in Cuban politics. Those forces which might have supported the Right—the Spanish merchant community, the upper hierarchy of the Roman Catholic Church, and the military and naval establishment—had been on the "wrong" side of the struggle for nationhood and, once defeated by a combination of U.S. and patriot arms, were compelled to depart for Spain or accept political marginalization.

A new Cuban army, created after the departure of the American occupation forces in 1901, might well have become a vehicle for conservative authoritarianism in Cuba (as it did elsewhere in Latin America) were it not for an extraordinary "sergeants' rebellion" in 1933. This movement effectively ousted the officer corps of the Cuban army, and then linked up with a cohort of radical students and middle-class revolutionaries. The principal figure in that enlisted man's coup was Fulgencio Batista, a sergeant-stenographer who (raised to general officer rank by his own recognizance) became, first, the power behind a succession of weak civilian presidents, and then, in 1940, the elected chief of state with the support of the Communist Party.

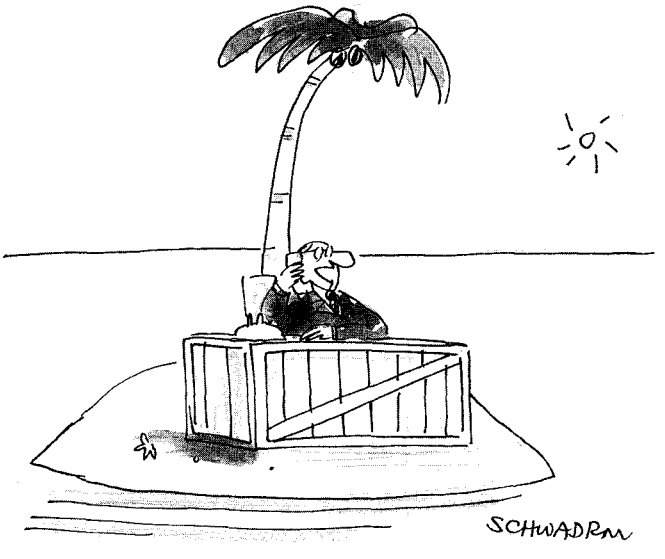
Since he has become such a bogeyman for those determined to tar the Cuban-American community with his brush, it is interesting that by the standards of the day Batista's first presidency was remarkably progressive. Its major landmarks were a land-tenancy law that effectively enfranchised more than a hundred thousand peasant families, educational reform that brought schools to remote country villages, and an urban labor law that made it almost impossible to fire any employee. (In the 1940s, American businessmen spoke of Cuba in the same tone of voice as Mexico—as a lovely country which, alas! had been "ruined" by an unpleasant social revolution.)

When Batista completed his first term in 1944, he was succeeded by his quondam ally in the 1933 revolution, Dr. Ramón Grau San Martín, and then, in 1948, by Grau's protégé (former student revolutionary), Carlos Prío. Both men were members of the Cuban Revolutionary Party, known more commonly by its sobriquet Auténtico. The Auténticos professed social-democratic and Christian-social ideologies, but the administrations of both Grau and Prío were extraordinarily corrupt. Indeed, in the early 1950s, Auténticos offended by the cynicism of their leaders hived off a new party known as the *Ortodóxos*. One of its promising figures was Fidel Castro, who would have been elected to Congress in 1952 but for General Batista's military coup.

Although most Cubans either welcomed Batista's return to power or remained indifferent to it, by the mid 1950s an economic slump combined with increasing repression had turned the entire Cuban political establishment against the dictator. At the same time, in an attempt to reactivate the Cuban economy, Batista began to lift some of the restrictions on labor mobility and foreign investment dating to the 1930s—a wise move from an economic point of view, but fatal in the absence of basic political legitimacy. The Communist Party, which had originally regarded the young Fidel Castro as a "putschist" and "adventurer" when he took up arms against Batista, severed its ties with the dictator and found its way to Castro's headquarters.

## *Left-Skewed Spectrum*

TO THE day of Castro's accession to power, then, the ideological geography of Cuban politics extended from the center to the left—with competing versions of populism crowding out all other dispensations. The failure of Cuban politics was an




*"Ticknor here! Miss Embry, get me the Coast Guard."*



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inability to move from personalities to institutions. Unlike in other Latin American countries, social and economic issues were not particularly divisive. Cubans were accustomed to a large government role in economic and social matters, and they continue to feel comfortable with it in their American exile.

A recent survey by Rodolfo de la Garza and his associates records that over 95 per cent of Cuban-Americans believe that the national government has a primary responsibility for solving problems, as opposed to 85.6 per cent of "Anglos." A significant minority—as much as 45 per cent—believe strongly that the government should guarantee jobs or housing to those in need. On issues ranging from crime and drugs to education, health, child services, and the environment, Cuban-Americans believe that spending should increase even if it means an increase in taxes. They strongly favor bilingual education and, until the measure was turned back by an "Anglo"-dominated referendum in 1980, the diaspora had actually managed to have Miami declared officially a bilingual city. Nevertheless, 48.5 per cent describe themselves as "conservative" or "slightly conservative," though only 6 per cent as "very conservative."

The de la Garza study also revealed a startling degree of similarity between Cuban-Americans and two other Hispanic immigrant groups generally regarded as more politically correct—Mexican-Americans and Puerto Ricans. Nearly as many Mexican-Americans describe themselves as "very conservative" as Cubans, and the Puerto Ricans actually outdo the Cubans (7.8) in this category. Moreover, in the "slightly conservative" category the Mexican-Americans edge out the Cubans by a fraction of a percentage point.

To be sure, both Mexican-Americans and Puerto Ricans tend to cluster slightly further to the left on the ideological spectrum. A larger percentage describe themselves as moderate (35.4 and 24.7, respectively, compared to 22.5 per cent for Cuban-Americans). On the other hand, Cuban-Americans are slightly more tolerant than the other two groups of the rights of groups they particularly dislike (in this case, Communists and homosexuals). The one area of difference appears to be voting patterns; at the national level at least, most Cuban-Americans vote Republican, most Mexican-Americans and Puerto Ricans vote Democratic. Even so, Democrats who are liberal on domestic issues but notably tough on foreign policy can win Cuban-American support in local races, as illustrated by former Senator Dick Stone (Fla.), former Representative Dante Fascell (Fla.), Florida Governor Lawton Chiles, and Representative Robert Torricelli (N.J.).

The importance of foreign policy in defining political identity is not, of course, unusual in ethnic minorities

## *Castro's Latest Coup*

THERE IS only one question about the Clinton Administration's recent policy changes regarding Cuba. Were they the victory of ideology over politics, or the product of a cynical calculation about Florida politics? Either way, they were a victory for Castro over 35 years of bipartisan American policy on Cuba.

The changes are easy to describe. First, Cubans who have been in detention camps in our Guantanamo Bay Naval Base will be admitted to the United States over the next couple of years, despite Janet Reno's stern-faced declarations that hell would freeze over before that happened. Those declarations were foolish when made, and faced with endless CNN shots of mothers and babies behind barbed wire—our barbed wire—the Administration gave in to reality.

The second change is much more significant, indeed historic. Refugees from Cuban Communism, hitherto welcomed into the United States, will now be forcibly handed over to the Castro regime by the U.S. Coast Guard. Of course, Castro has promised that no one who is sent back will be mistreated, and President Clinton promises that no one in real danger will be sent back. These two promises have about equal credibility.

The new policy is monstrous. This country never threw anyone back over the Berlin Wall; we never turned a Soviet Jew or Pentecostal over to the KGB; and under Presidents of both parties, we never turned a Cuban refugee over to Castro. Until Bill Clinton came along.

In both moral and international legal terms, this is a departure for the United States. The Universal Declaration of Human Rights states that "everyone has the right to leave any country, including his own." This right to emigrate has been repeatedly endorsed by American Presidents and American Congresses, and formed the basis of the famous "Jackson–Vanik Amendment," which penalized the Soviet Union and other Communist countries for their refusal to allow freedom to emigrate.

Needless to say, we have the right and responsibility to stop Cuban government provocations like Mariel, and to use the U.S. Navy to prevent them. But to return to Cuba individuals who have risked their lives to flee its Communist system is, to use Sakharov's word, a betrayal. Consider the prison that Castro's Cuba, by all accounts, remains. Thus:

—It is a crime to try to leave Cuba without government permission. How, under international law, can we return someone whose very act of leaving constituted a prosecutable offense in his homeland?

—How will Cuban government assurances against harassment be monitored? Suppose that one month after being returned, a former refugee is arrested for vagrancy, or theft, or who knows what trumped-up charge. How will we know what really happened? What due process will he get in trying to clear himself? What if he is mistreated not by the Cuban police but by the mobs that are called Committees for the Defense of the

*Mr. Abrams, a senior fellow at the Hudson Institute, is a former Assistant Secretary of State for Inter-American Affairs.*



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in America. The American Jewish community, which has successfully organized itself on behalf of the survival of the state of Israel, is the most obvious example, and one that has deeply influenced the Cuban-Americans. But in their basic approach to education, lobbying, and dispensing political contributions, the Cuban-Americans proceed no differently from other groups such as Irish- and Greek-Americans, and latterly (on South Africa and Haiti) African Americans. While it is true that the State Department and those with other fish to fry periodically express frustration or resentment over this form of lobbying, it is well within the tradition of American interest-group politics. Furthermore, most Americans have no great enthusiasm for opening diplomatic relations with Castro's Cuba. Cuban-Americans owe much of their lobbying success to the simple fact that they are sailing with the political wind at their backs.

### *So Close to Home*

IN ONE way, however, Cuban-Americans *are* different from other ethnic and minority groups. While all the revolutions of modern history have produced sizable exile communities, in no other case has the diaspora been so proportionately large, so wealthy, so well organized, so geographically concentrated, and so physically proximate to its country of origin. The result is a cultural hybrid—a community that is functionally American, but dwells spiritually in a cloud of imminence.

Miami's climate and vegetation are so similar, and the Cuban-American community so numerous, that it has been possible there to preserve in exile many traditional social practices, institutions, and consumer preferences that other immigrant communities in the United States have been forced to abandon. The result, paradoxically, has not been to put old ghosts to rest but to keep them alive. The periodic arrival of new refugees from the island sharpens the sense of loss, and keeps the wound from healing.

In this environment not everyone responds in a wholesome manner. For years fringe groups like Alpha 66 and Omega 7, made up of recalcitrant veterans of the Bay of Pigs and their sympathizers, have continued to drill in the Everglades, convinced that the day will soon arrive when they can somehow retake Cuba by force. Their talk (and occasional use) of violence against others make these groups exciting news copy. Yet they are utterly marginal to the life of the community.

Much confusion arises out of the fact that Cuban-Americans are pitched at a rather higher emotional level than "Anglos," and tend to make extravagant use

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Revolution, so that the government can claim its innocence while life for the returnee is a living hell?

—Finally, and perhaps worst of all, are we keeping Cubans from entering the United States illegally, as Administration spokesmen claim—or are we keeping any and every Cuban from fleeing Cuba, *regardless of his destination*? How can we be sure that the Cubans we apprehend are not aiming for Jamaica, or the Caymans, or the Bahamas? In fact we are now acting in place of the Cuban authorities to enforce their draconian laws regarding emigration. The U.S. Coast Guard has been assigned to act as Fidel Castro's Coast Guard.

WHAT could possibly have motivated the Administration to adopt this repellent policy? There are two explanations. The first is pure politics—the idea that people in Florida don't want any more Cuban refugees, and it's an important state, so let's just block the refugee flow. Sure, the Miami Cubans will be mad, but most of them vote Republican anyway, and there are more "anti-Cuban" votes in Florida than Cuban votes.

The second explanation is pure ideology—the strong desire of some in the Administration, apparently including Peter Tarnoff (Under Secretary of State) and Morton Halperin (now of the National Security Council staff, since the Senate's refusal to confirm him for a Pentagon post) to "normalize" relations with Cuba. By this they mean, end the embargo and stop the Cold War–era special treatment of Cuban refugees.

The problem with this view is that the old refugee policy reflected not some bizarre Cold War ideology, but the facts of life in Cuba—that it was and is governed by a Communist regime that denies the most elementary human rights. So we have stopped acting as if they were Communists; the only problem is that *they* haven't, and like all Communist regimes the one in Havana produces refugees. Now for the first time, our forces will work hand in glove with the Cuban dictatorship to prevent emigration. We are new warders in Castro's jail.

This is quite a coup for Castro, and the way he achieved it surely delighted him. For the deal was reached in secret negotiations conducted without the knowledge of the State Department's experts at the Cuba desk (who have since sought and received re-assignment). What can such secret deals bring Castro next? On the entire Clinton foreign policy team—Bill (and Hillary); Anthony Lake and Richard Feinberg at the National Security Council; Warren Christopher, Strobe Talbott, and Tarnoff at the State Department—there isn't one single person who favors a hard line against Castro. Every one of them, as Castro had reason to suspect and now knows for sure, wants to apologize for the embargo and adopt a more "mature" policy.

Now Americans have yet another reason to hope that Fidel Castro's regime—or Bill Clinton's government—ends in 1996. We have an honorable policy of opposing Communism in Cuba for 35 years, sometimes at great risk. It is shameful to compromise it all on the altar of Cold War revisionism.

—ELLIOTT ABRAMS



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of eschatological language when arguing about politics. However, the distinction between deeply felt emotion and a propensity to violence is huge, and has not always been grasped by news reporters.

A case in point is the press treatment of the Cuban-American National Foundation (CANF), and very particularly its founder, Jorge Mas Canosa. A man of enormous energy and political imagination, Mas emigrated to the United States at the age of 17, penniless and speaking no English. Today he is a millionaire many times over, and a major force in politics in Florida and beyond. The foundation that he established in 1981 is principally known for its political-action committee, whose campaign contributions have bought it access to both sides of the congressional aisle and to the White House in both Republican and Democratic Administrations. In 1992 Mas got candidate Clinton to endorse the Cuban Democracy Act—which tightened the U.S. trade embargo on the island—before the Bush White House had gotten around to doing so.) But it is also responsible for the creation of both Radio and TV Martí—U.S. government broadcasting to Cuba—and the EXODUS program, a private immigration agency that has helped to resettle thousands of Cubans in the United States at virtually no cost to the American taxpayer.

Mas is not—as Miss Bardach and others suggest—a mobster or a right-wing terrorist. Indeed, his preference for working within the system has led some extremists to characterize him as a "sell-out," and he has shown up on Alpha 66 hit list more than once. However, like many self-made men, Mas has made a lot of enemies and he has not always chosen his targets well or played according to the genteel rules of Anglo-American politics.

When the *Miami Herald* refused to endorse the Cuban Democracy Act, instead of simply pointing out that this was a curious position for a paper that had supported a trade embargo to bring democracy to racist South Africa, Mas called upon Cuban-Americans to boycott the paper (and its Spanish edition, *El Nuevo Herald*). According to *Time*, "Mas launched a city-wide billboard campaign to protest. Anonymous callers phoned in bomb threats, and the paper's vending machines were jammed with feces." What Mas called for

was a boycott—not bomb threats or night-soil brigades. By eliding the three *Time* puts him in the position of either calling off his boycott altogether or accepting responsibility for actions over which he has no control.

Mas's quarrel with the *Miami Herald* is particularly unfortunate, because no newspaper in the United States has done a better job of covering the Cuban story from both sides of the Florida Keys, or given more Cuban-Americans an opportunity to express their views (many of which are, needless to say, contrary to its own). Nor has the *Herald* followed the general media line of depicting the Miami community as nothing but a bunch of Batistiano thugs and reactionaries. In fact, not long ago it took issue with a report issued by the human-rights organization Americas Watch which characterized the environment in Miami as uniformly repressive and intolerant. The report, editorialized the *Herald*, "smears the many for the boorish acts of relatively few," and "unfairly ignores the advances that pluralism has grudgingly made in the Cuban exile community since the 1980s."

## *Ex Uno, Plures*

ONE manifestation of this pluralism is the increasing multiplicity of Cuban-American political groups. While the CANF remains the largest and best-financed, many Cuban expatriates prefer the Independent and Democratic Cuba (CID), which is run by Huber Matos (a twenty-year veteran of Castro's prisons), or Carlos Alberto Montaner's Cuban Democratic Platform, which unites Social-Democratic and Christian Democratic groups. There is even a democratic socialist group, small in number but high in intellectual candle power, led by Enrique Baloyra and Marifeli Pérez-Stable.

These groups are separated by personalist loyalties, but also by differing attitudes toward the "original" (that is, pre-Communist) Cuban revolution in 1959–60. The Cuban-American National Foundation tends to attract people who saw through Castro's democratic mask from the very start. To call such people "Batistianos," however, is not merely libel but a factual error; the Foundation's leaders are too young to have done anything but attend high school in 1958 and 1959.

*Per contra*, Independent and Democratic Cuba includes many who supported Castro from his days as a guerrilla leader from 1956 to 1958, and well into his first agrarian reform in 1960. (Huber Matos fought alongside Castro in the Sierra Maestra and was one of the original heroes of the anti-Batista movement.) They broke with him only when he reversed the result of trade-union elections, collapsed his 26th of July movement with the Cuban Communist Party, and deliberately marched his country into the Soviet camp.

Another fault line is introduced by differences of opinion over the desirability of "dialogue" as a means of resolving Cuba's current political impasse (the Foundation opposes it, the Platform and the democratic socialists favor it). The *dialogista* position is often character-



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# NATIONAL REVIEW West

Published in Conjunction With
The Claremont Institute



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# PANTS ON FIRE

**LEON McKINNEY**

WHEN defeated U.S. Senate candidate Mike Huffington suggested the possibility of election fraud in California after the November 8 election, state Democratic Party Chairman Bill Press and the liberal media tried to laugh him back to Texas. In light of some startling recent findings in Los Angeles County, however, a statewide investigation into election fraud might be in order. Who would be laughing then?

California's 36th Congressional District encompasses the beach cities west of Los Angeles. Its demographics range from luxury mansions on the Palos Verdes peninsula, to upscale beachfront homes and singles' complexes in Manhattan, Redondo and Hermosa Beaches, to once-lovely Venice, which now has streets as mean as any in L.A.'s South Central. The District leans slightly Democratic—in 1992 Democrat Congresswoman Jane Harman won with 48 per cent of the vote.

Two years later, in the early morning hours of November 9, it appeared that GOP challenger Susan Brooks had won an upset victory over

*(Continues on page West-4)*



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# WEST WORLD

■ We don't know how much influence former Bush aide Craig Fuller is having as Pete Wilson's presidential campaign chairman, but Wilson was recently heard rehearsing the line, "Read my lips! No new illegal housekeepers."

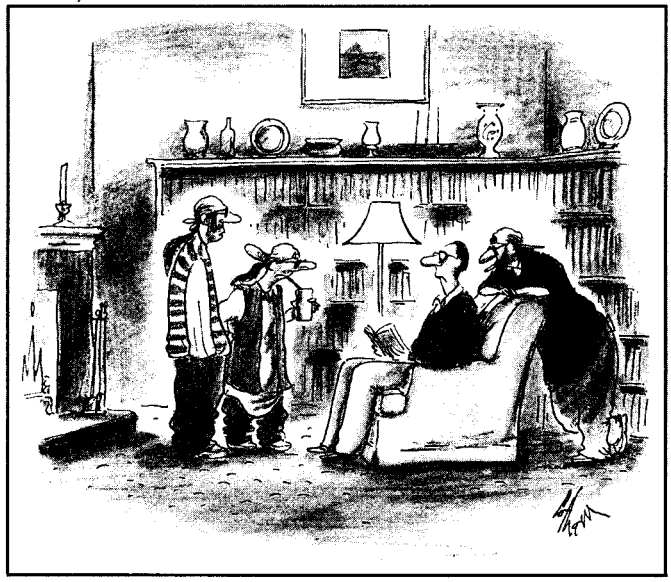
■ Continuing a trend begun when Clint Eastwood started making movies to haul to Cannes to curry the favor of the cinematic elite—compare the cool and morally confident Harry Callahan of Eastwood's pre-Cannes period with the angst-ridden, skeptical detective in *Tightrope*—Sly Stallone is currently filming what he calls "an existential action film . . . screenplay by Sartre, dialogue by Camus." Sounds like we might get an answer to the age-old freshman philosophy question: If a film shows in an empty theater, does it make a buck?

■ The Unabomber, who is now reported to live in or near Sacramento, has gone public with the motive for his ongoing string of by-mail killings and maimings: "the destruction of the worldwide industrial system." Indeed, the Unabomber's April 24 murder victim was in the forefront of the movement to reform the Endangered Species Act—and soon before it occurred, Interior Secretary Bruce Babbitt had been in San Francisco, warning that pro-industry environmental reforms being proposed in Congress might lead to ecological disaster. Employing the same logic that he has used to try to intimidate his talk-radio critics in the aftermath of Oklahoma City, we demand that President Clinton issue an immediate order to his Cabinet members to halt any and all criticism of the Contract With America!

■ San Diego Congressman Brian Bilbray has introduced the Citizenship Reform Act of 1995, which would deny automatic citizenship to children of illegal aliens born in the U.S. His action is based on the recommendations of *NR West* contributing editor Edward J. Erler in "Immigration and Citizenship," a Claremont Institute paper which was abridged last year in these pages. Erler produces solid evidence that the framers of the Fourteenth Amendment explicitly excluded children born to aliens from U.S. jurisdiction and that no Supreme Court decision has ever held that the amendment automatically confers citizenship upon the children of illegal aliens. Since Congress is given "power to enforce, by appropriate legislation, the provisions" of the Fourteenth Amendment in section five, Congress is fully competent to define the reach of the amendment's jurisdiction clause without resort to a constitutional amendment.

■ It has been a year since a two-mile steel wall was built along the U.S.–Mexico border in Naco, Arizona. Prior to its erection, this Cochise County town was considerably more lawless than nearby fabled Tombstone ever was. The house of retired policeman Gerald Eberwein, ninety feet from the border, was burgled or broken into nine times in a year—not to mention being regularly hit with stray bullets as criminals fled south in high-speed chases. Today crime is down 50 per cent, the bullets have stopped flying, and local businesses are donating materials to extend the wall by five miles. Currently there are only twentysomething total miles of wall along the entire U.S.–Mexico border. But with results like these, and the Army Corps of Engineers willing to pitch in with labor, look for more miles soon—despite lingering harebrained arguments that there's a moral equivalence between an American wall to keep illegal immigrants out and the former Berlin Wall meant to keep East Germans in.

■ Taking advantage of Mother's Day week, some fifty women held a "nurse in" outside the California Assembly Judiciary Committee room in the California State Capitol. Marching, declaiming, and hefting signs, these angry matrons began ostentatiously nursing babies with the milk of civic ardor in support of a bill asserting the right of women to breast-feed, in any way they choose, anywhere in public that they are otherwise legally entitled to be. As it happens, there is no law in California making it a criminal offense for a mother to breast-feed her baby anyplace. But in the 1990s, this is insufficient. In the words of the bill: "No



*"Please, dad, you're embarassing me in front of my friends."*



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mother should be made to feel incriminated or socially ostracized for breast feeding her child." In their desperation, the oppressed mothers divided ranks and took their cause to the individual offices of committee members. It was not reported whether they held private nurse-in sessions there or how they were made to feel about it.

■ Even in the presence of one modestly breast-feeding mother, stalwart men have been known to soften and lose their swagger. To his credit, confronted with a hundred angrily lactiferous breasts, one Assemblyman who opposed the breast-feeding bill maintained some composure and stood up for himself manfully: "I'm certainly not against motherhood and childbearing and healthy babies," proclaimed Republican George House. Having staked out that bold position, he returned to the earthy common sense for which he is well known and on which the fate of our republic so often hinges in critical moments. "There are," he reminded the state and nation, "other body functions that are natural but not necessarily . . . decent at a particular time."

■ Some lawmakers expressed concern that the breast-feeding bill might encourage public nudity. In response, lactation consultants were brought forth to confirm that nursing mothers lacked exhibitionist tendencies. As living proof, Fairfield mother Janet McLean, while giving suck, called media attention to her breast and asked, "Do you see any skin? . . . You'll see a lot more at the beach." But the sponsor of the bill, Democratic Assemblyman Antonio Villaraigosa, refused to allow language in the bill requiring modesty or discretion, warning that "we're seeing some weird kind of Victorian moralism coming out here and it's frankly kind of extreme." It is possible that this extremism is fomented by talk radio, borders on hate speech, and is a likely cause of random bombings. No doubt the newly formed Clinton anti-terrorist agency will look into it.

■ The term limits measure passed by Californians in 1990 had a simple aim: to stop political careerism. But unforeseen consequences are emerging, and the nation would be wise to take note. For one, office-hopping by elected officials who are up against the limit proceeds at a dizzying clip. Nor is this office-hopping restricted to officials moving up. There are reliable reports that six state senators are thinking of extending their public-sector careers by running for seats which they once occupied in the assembly.

■ More immediately troubling is the effect of term limits on party discipline and democratic responsibility. Paul Horcher, the Republican Assemblyman who stunned the state by voting to retain liberal Democrat Willie Brown as Speaker of the California Assembly last December, has just been recalled by an overwhelming margin of angry voters. But now Republican Assemblyman Doris Allen has a bone to pick with party leadership, and has vowed to, in effect, take Horcher's place in single-handedly preventing Brown's ouster. The point is: both Horcher and Allen are in their last term under term limits, and so risk little by rebelling against their party (not to mention their constituencies) for petty and personal reasons.

■ When California Congressman Duke Cunningham referred to supporters of "homos in the military" on the floor of the House, congressional liberals were hopping mad. Despite Cunningham's explanation—that he had only one minute for his speech and had to use abbreviations, which is not entirely credible but does suggest he understands that "homos" is not a word ordinarily used in public speech—Democrat lawmakers lined up outside the Capitol the next day to decry Cunningham's "hate speech," some even linking it to—what else?—the Oklahoma City bombing. Gerry Studds whined that "we should all be thinking about the power of words." Maxine Waters, borrowing a page from the bad old days of Stalinism, called upon Cunningham to get "psychiatric help." And imagine that all this indignation and concern for civil discourse was coming from the folks who weeks before were likening GOP budget balancers to Nazis.

■ Speaking of L.A. Congressman Maxine Waters, in a speech to Youth Fair Chance Plus—an organization that "seeks to steer troubled young people into worthwhile lives not with the threat of increasing jail terms, but with free schooling, job training, and a $50 weekly stipend"—she represented the government as follows: "We say no matter what you've done, you don't get too bad for us. We ain't scared of nobody. We don't run from nobody, because you belong to us. We your mama, we your grandmama, we your aunt. . . We don't think you could have done nothing so bad that we can't transform you." The grammatically relaxed *Los Angeles Times* characterized this as "sweetened street patois that would send throw-away-the-key conservatives over the edge." Street hogwois would be more like it. We just glad we ain't her elementary-school English teacher.

■ Westerners are gearing up for a summer of unprecedented entertainment. First it was announced that houseguest Kato Kaelin will perform live—what he will perform is unclear—at a major Las Vegas hotel-casino in June. Then word arrived that Roger Clinton—the President's brother, who not long ago was seen getting into a shoving match at a basketball game—will appear in San Francisco in July to give a presentation, "On Growing Up and Overcoming the Obstacles of a Dysfunctional Family." The title leaves it unclear whether growing up is something the First Brother has already done or hopes to do in the future.



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**McKinney**
(Continued from page West-1)

Harman. She held only a slim 93-vote lead. But she was winning in 10 of the District's 13 cities and running six points ahead in the traditionally Republican absentee vote, only half of which had been counted. What a surprise, then, when in the first week in December, Los Angeles County Registrar Bea Valdez declared Harman the winner by 812 votes.

FOR Harman to have snatched victory from the jaws of defeat, either the voting trends which had held throughout election night would have needed to reverse direction, or the last half of the absentee count would have had to fall in her favor by a stunning margin. Either, of course, was possible. Still, the Brooks campaign was suspicious enough to start digging.

Brooks campaign volunteers and concerned local officials—led by Redondo Beach Mayor pro tem Liam Weston—formed the Committee for Election Integrity, which compiled a database of thousands of apparent illegal votes. This database was submitted last December to the House Committee for Administration and Oversight—the congressional committee which oversees the certification of elections and the seating of members. The committee chairman, California Representative Bill Thomas, appointed Florida Representative Lincoln Diaz-Ballard to head the investigating task force.

Here is some of the evidence. During the post-election ballot canvassing and certification period, County Registrar Valdez (a Democrat) declared that nearly half of the District's 547 precincts under-counted the number of absentee ballots by a total of 1,058. In response, many of the polling officials signed affidavits stating that the "original number [of ballots] is the true and correct one and the substituted one is wrong." According to one precinct worker, "we each counted them four times and there is no way our number is wrong; we know the difference between 12 and 23."

The Committee for Election Integrity decided to look at the precincts where Harman got the highest percentage of the vote. They zeroed in on Venice—a very "transient" city, as anyone who's been to the boardwalk area near the Venice pier and "Muscle Beach" knows. Such cities generally don't have high voter turnout. Last year, however, Venice did—and ended up containing the 28 precincts with the highest vote for Harman.

Seven adjoining precincts around Venice's Sixth Street—a rough black and Hispanic area—were among these. Committee members attempted phone interviews with voters, sent letters, and even went door-to-door in those precincts. (For the latter, they hired current and former gang members to escort and advise them.) They were successful in visiting and/or interviewing people at about half of the voter addresses; of those, over 25 per cent were either abandoned buildings or had Harman voters listed as residing there who in fact did not.

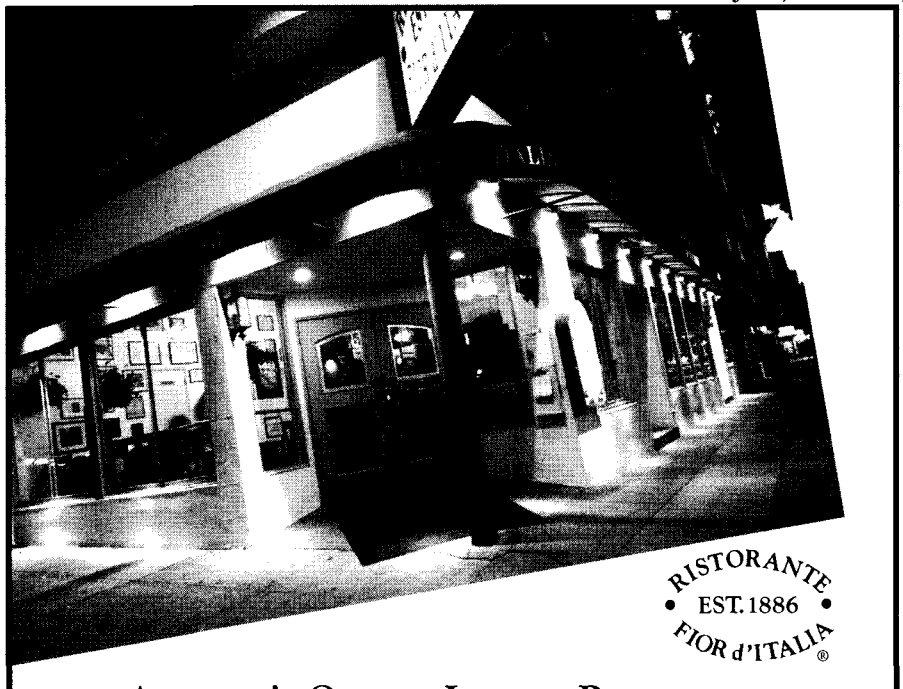
A voter named Cynthia Moore, for instance, listed 659 San Juan Avenue as her voting address—despite the fact that the house there has been unoccupied and boarded up since 1991. The owner says he has never had a Cynthia Moore as a tenant.

Many voters claimed the Pony Express postal service store at 1517 Lincoln Boulevard in Venice. (Using P.O. Boxes for voting registration addresses is illegal.) Others listed abandoned buildings where the landlords or property managers insisted that they'd been continuously making repairs and renovations, and that not even homeless people could have been residing in the buildings. Voters Diane Bachernski and Jennifer Everts were two who registered just before the election, giving 1217 Cabrillo Avenue as their voting address; the building has been vacant since at least November 1993.

Liam Weston has verified that 296 of the 2,209 votes cast in the seven Venice precincts—a full 13 per cent—were invalid. Interestingly, if all the ballots were thrown out in these precincts alone, Brooks would have beat Harman by 590 votes.

Nor is it at all clear that such improprieties were restricted to Venice. Redondo Beach City Clerk John Oliver, concerned after an election in nearby Long Beach was nullified because of illegal voter registrations, had requested that all sample ballots mailed out prior to a recent city election that came back to the post office as "undeliverable" be returned to his office. He received over 3,900 and issued a warning that these possibly illegal voters would be queried

*Mr. McKinney is a freelance writer who lives in Huntington Beach, California.*

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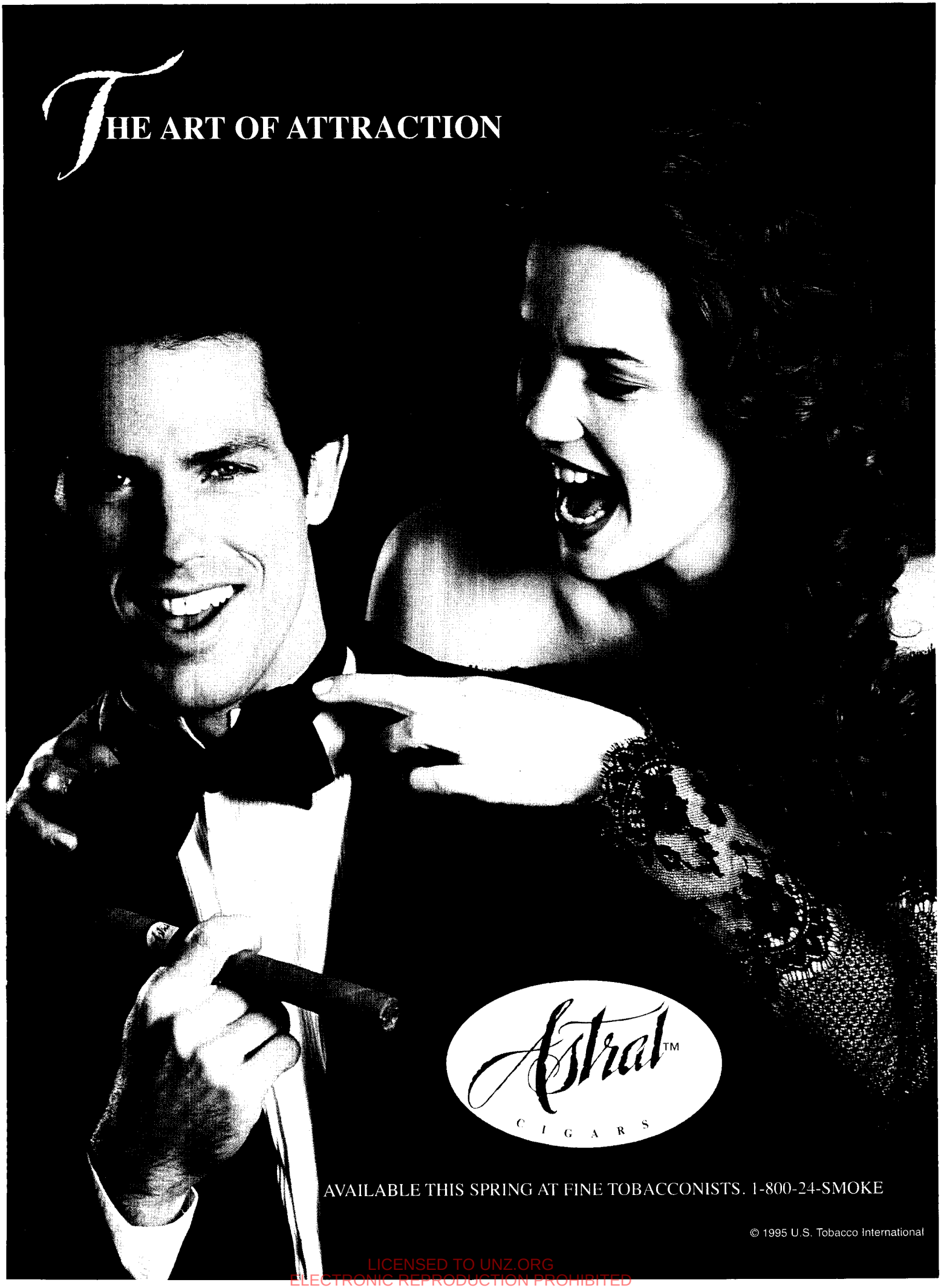


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# Tom Cost Has A Vital American

*This defibrillator is just one application of TA-23 super-glass technology. Batteries sealed with this corrosion resistant, sure-sealing glass are also used in a variety of other devices, from oil well logging instruments and spacecraft atmospheric probes to portable Army communications equipment.*

Tom Cost is living better thanks to space-age glass developed at the Department of Energy's Sandia National Laboratories in Albuquerque, New Mexico. ♦ Like many Americans, Tom needs a defibrillator to control his heartbeat. But the materials used to seal its batteries could corrode in the presence of the defibrillator's special liquid electrolyte. Within a few months, a replacement would be required. ♦ Fortunately, Tom's defibrillator is sealed with TA-23, a corrosion resistant super-glass originally developed at Sandia to protect batteries in nuclear

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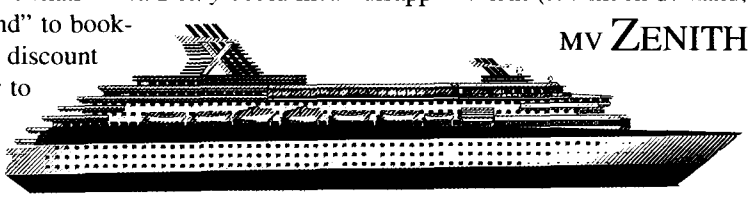


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if they voted in the city election; only 150 did so. But in the general election in November, over 1,100 of them voted.

Registrar Valdez is stalling the investigation, refusing on April 10 to release public records of the election results, claiming that "it would be a hardship at this time to assign staff to take documents out of storage."

In Washington, Representative Harman has filed a motion to dismiss the House investigation. The GOP side is sadly divided on the issue, with many urging Susan Brooks to drop her challenge of the results. To fight on, they say, might open Republicans to charges of—partisanship! At a hearing held on May 9, the Diaz-Ballard task force decided to put off any decision.

The *Wall Street Journal* notes that "no one's alleged that Rep. Harman's campaign orchestrated a fraud." But it's high time for someone to do so—and to charge the L.A. County Democratic Party and Democrat officials like Bea Valdez with complicity.

Liam Weston suggests that the Democrats chose the Sixth Street vicinity of Venice as a setting for their most blatant shenanigans because they figured "white Republicans wouldn't go into such an area." Now they're panicked, he says, because of the Committee for Election Integrity's grim determination.

In the committee's view, partisanship with respect to democracy should propel Republicans and Democrats alike to insist that this investigation be pushed to conclusion—and that all parties to any fraud be prosecuted to the full extent of the law. □

## *Pete Should "Just Say No"*

THIS is the most challenging time in California's history. The people voted in November for a tough governor whose leadership had inspired Californians to triumph over floods, fires, earthquakes, and a deep recession. However, with Governor Pete Wilson's revelation that he is now interested in running for president, there will be a devastating break in the continuity of steady leadership offered by Governors Deukmejian and Wilson since 1983.

When Californians were faced in 1994 with a return to the failed policies of Jerry Brown—through a Kathleen Brown administration—Pete Wilson came from behind to win by a landslide. His dynamic victory was the result of several positive factors. The voters were responding to Governor Wilson's appointment of responsible judges, his strong leadership in fighting to bring California out of a recession, his support of Proposition 187, his advocacy for tough laws dealing with crime and gang violence, and his efforts to slash red tape and push through reform of welfare and of worker's compensation laws.

This agenda of constructive achievements is now in peril if Pete Wilson runs for president and Lt. Governor Gray Davis, the former chief of staff for Jerry Brown, becomes governor. Davis would appoint another liberal lieutenant governor, turning back the clock in California to the days when Jerry Brown was governor and Rose Bird's philosophy ruled over the judicial branch. With the two highest positions being handed as a gift to liberal Democrats by Governor Wilson, they would be in a position not only to turn back past achievements, but to win re-election in 1998.

The Republican Party's historic success in November was a result of their promise to the voters that they would work for the reforms contained in the Contract With America. The election was a repudiation of President Clinton's character and his liberal agenda. A president who has countless friends but no character witnesses will be defeated in 1996.

However, the character issue would be critically neutralized if Governor Wilson broke his promise—reaffirmed repeatedly during the 1994 campaign—that he would not run for president, but would serve out his four-year term as governor. The Republicans would lose the advantage of an issue which has united Independents, moderates, and conservative Democrats as well as Republicans.

Another drawback to a Wilson presidential candidacy is that the enormous sums of money required would divert funds needed for conservative legislative candidates in California, who are now within reach of a majority in the Assembly and Senate.

The Governor's Mickey Mouse proposal to amend the current constitutional provision by which the lieutenant governor succeeds a governor who vacates his office—replacing this succession with a special election—would be rejected by the voters as too tricky, mean-spirited, and costly. Furthermore, requiring another special statewide election would cost millions at the expense of vital services and create dismay and stagnation in enacting the reforms Wilson promised in his campaign for re-election. California cannot afford a government in chaos.

There is no shortage of qualified Republican candidates for the presidency. Senators Dole and Gramm, Governors Thompson, Engler, Whitman, and Alexander, have all established distinguished records of public service. It cannot plausibly be argued that Governor Wilson is turning over California to the liberals in order to fill a vacuum of Republican leadership.

Pete Wilson should remain faithful to his promise to the voters who elected him. He should devote the next four years to making California safer, its economy sounder, and its educational system workable. He could then run for the presidency on his eight-year record as governor. Ronald Reagan, Richard Nixon, and Jimmy Carter were all out of office when they waged their successful presidential campaigns. Pete Wilson can do the same.

What is at stake in California over the next four years is too great to permit ambition to triumph over character or ego over commitment. Pete Wilson must retain the trust of the people of California in order to win the trust of the people of the United States.

It is time to tell the Emperor that he has no clothes.

—MICHAEL D. ANTONOVICH

*Mr. Antonovich, a former chairman of the California Republican Party, is a Los Angeles County Supervisor.*



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## *The Defense of the Century*

# L.A. LAW

**SCOT J. ZENTNER**

RETIRED Superior Court Judge George Dell has noted the obvious: "There are people on Death Row [based on] far less evidence than there is in [the O. J. Simpson] case." Yet Simpson's so-called Dream Team of defense attorneys has been largely successful in transforming the case into a trial of the Los Angeles Police Department.

Just as the thuggery, vandalism, and looting of the 1992 L.A. riots was characterized by many black politicians as a "rebellion," Simpson's lawyers seek to induce the mostly black jury to look upon their client as a "victim." Specifically, they claim that LAPD investigators framed Simpson—apparently under the leadership of master-conspirator Mark Fuhrman. Because Fuhrman made racist comments within the last decade—so the argument goes—the evidence he gathered must be tainted. While the media have noted the defense's failure so far to demonstrate its claim about what Fuhrman has said, there has been little criticism of the premise: that if one makes a racist comment, one is necessarily a racist, a framer, and a perjurer. (No one could imagine even an open blasphemer laboring under such a cloud of suspicion!) According to this fantastic reasoning, fair trials are virtually impossible because, as common sense dictates, virtually all people (white and black) have, at one time or another, made some kind of racist comment—especially by today's unforgiving standards.

Lest anyone get the wrong idea, the judgment of black jurors is not invalidated by racism as is the judgment of policemen, because blacks do not possess real power like the police. This argument is related to the inexplicably respectable opinion that the American justice system is pervaded by "institutional racism." In this deconstructive view, white men like Fuhrman are said to manifest the "effects of power" which serve only to oppress minorities.

The most striking aspect of the trial is the success of the Dream Team's racialist appeal, even though, as novelist (and former L.A. police detective) Joseph Wambaugh has pointed out in the *Los Angeles Times*, "Simpson

## *Testifying and "Testilieing"*

'WHY should we have 100,000 more liars on the street?" So asked Dennis Zine of the Los Angeles Police Protective League in response to a charge that police routinely lie about evidence. The accusation was leveled by Harvard Law Professor Alan Dershowitz, who said that in order to circumvent the Fourth Amendment and the exclusionary rule, police "engage in acts of civil disobedience, namely what they call white lies—testilieing."

Dershowitz, a notorious self-promoter and a member (via fax and telephone) of the Simpson Dream Team, remarked on the *Larry King Live* show that in police academies throughout the nation "there are two curricula, one where they say you always tell the truth," and the other, an "informal curriculum," where you are taught to "conduct the search you testify to and the search you actually conduct." Police officers like Mark Fuhrman—the bogeyman of Simpson's lawyers—are so driven to exact what they mistakenly think is "real justice" that they feel the need to commit perjury, Dershowitz claims.

If Dershowitz is correct, law-abiding citizens are caught in a cruel dilemma: how do you tell the difference between the car-jackers and the cops? Indeed, with his own recipe for anarchy, Dershowitz seeks to plunge the country into a state of nature, a condition described by the English political philosopher Thomas Hobbes as "the war of all against all."

Dershowitz displays his vaunted chutzpah when he says that he, unlike the police, has "never lied" because "lawyers don't have a license to lie." Thus we are forced to the incredible conclusion that in Dershowitz's state of nature, the only ones who can be trusted are the lawyers. But Dershowitz must be careful: when there is anarchy—and nothing is illegal—who will be left to pay the legal fees?

Yet Dershowitz's charge of widespread "testilieing" seems to echo a significant sentiment in the country. Only a small minority of blacks (33 per cent in a recent Gallup poll) believe that police testify truthfully. Indeed, two-thirds of blacks say they believe that the entire justice system is racist, compared with only a third of whites.

Another recent poll (*Time*/CNN) revealed the startling fact that a majority of Americans believe that the government has become so large and powerful that it poses a threat to the rights and freedoms of ordinary people. Yet President Clinton has recently instructed these anxious Americans—contrary to the clear lesson of America's revolutionary origins—that "there is nothing patriotic about hating your government, or pretending you can hate your government but love your country."

With Dershowitz and his Dream Team cohorts fanning the flames of racism in the midst of the growing division between black and white Americans on the one hand, and a growing general distrust of government by the general populace on the other, one surely must look to the future with a certain degree of trepidation.

In the words of the immortal Bard spoken by his philosopher Cicero: "Indeed, it is a strange-disposed time."

—EDWARD J. ERLER

*Mr. Erler is a member of the California Advisory Commission on Civil Rights.*



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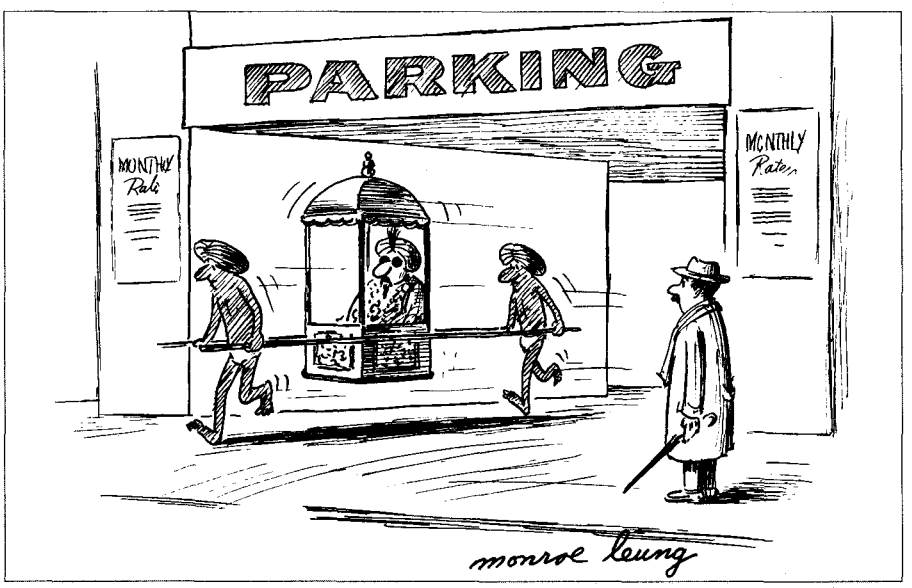
turned white 20 years ago." Surveys indicate that 68 per cent of blacks believe that Simpson is innocent, while 61 per cent of whites believe he is guilty. Surprisingly high numbers of blacks believe the LAPD orchestrated the frame-up of Simpson, despite the contradiction represented by the simultaneous defense theory—that LAPD criminalists are too inept even to engage in simple evidence collection. As UCLA law professor Peter Arenella remarks, "The Dream Team has effectively used the media throughout this case to reinforce two themes: police incompetence and police corruption motivated by racial bias."

INDEED, the Simpson case is not so important because a football hero is the defendant, but because the defense and the media—with the willing complicity of the hapless Judge Ito—have turned the court into a war zone of racial prejudice. As police-misconduct expert and UC Berkeley law professor Jerome Skolnick asks skeptically: "Are the LAPD detectives devilishly clever, well-organized racists who are willing to let the true killer of Nicole Brown and Ron Goldman go free in order to punish an innocent football hero for the 'crime' of marrying a white woman?" Moreover, what does it say about the black community in L.A. when an accomplished race-baiter like lead defense attorney Johnnie Cochran chooses a strategy, in effect, of asking a predominantly black jury to punish (by "de-victimizing") a murdered white woman for the "crime" of marrying a black man? This had apparently worked with former juror Jeanette Harris, a black woman who said that after listening to months of testimony she is sympathetic to Simpson.

When Harris told the media that "testy racial divisions" had emerged within the jury and complained of having been kicked by a white juror, Judge Ito, in a rare flash of insight at the sidebar, remarked that this story struck him as "unbelievable." Cochran seized the opportunity to chide—and perhaps threaten—the judge: "I want to make this as clear as I can. I think you should not underestimate this from the standpoint of this case and people's perceptions." Cochran had already shaped "people's perceptions" with his inflammatory remarks on investigations of jury members after Mrs. Harris was dismissed—remarks suggesting that the virus of racism had spread from the LAPD to the prosecutor's office and even, it seemed, to the judge's chambers. All this of course begs the question: If O. J. Simpson is the victim in this case, what are Nicole Brown and Ronald Goldman?

While there is little indication that a Simpson acquittal will lead to a "rebellion" of white Angelenos, the Simpson case is already fraught with more long-term consequences than the Rodney King debacle. Perhaps the greatest danger is that the American public will mistake this mockery of justice for the rule of law itself. Who does not believe that under these circumstances a trial by fire holds a greater likelihood of eliciting the truth? □

*Mr. Zentner is an assistant professor of political science at California State University, San Bernardino.*

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# Sometimes It's Not O.K.

AS a working comedian I've had to deal with my share of unforeseen obstacles. One time a hurricane stranded me in Hawaii for a week. More peculiar to my profession are drunken hecklers, shifty club owners, and bounced checks. But these things come with the territory, and I'm no whiner. Still, nothing compares with the phone call from my agent on April 26.

I was at a Dallas comedy club, part of a national chain, on a tour to promote my new CD, "It's O.K. To Be A White Male." The tour had begun in Brea, California, with a stop in Tempe, Arizona. It would wind up in Washington, D.C., where I had reasonable hopes of getting on a lot of radio shows—Larry King, Gordon Liddy, Ollie North, Armstrong Williams.

I am often billed as "The Rush Limbaugh of Comedy." My act is politically incorrect. Sensitivity is tossed aside for sensibleness and—if everything goes right—big laughs, which is of course the main point:

"Radical non-smokers claim that secondary smoke is worse than the original smoke. Well, hell, based on that, you might as well smoke!"

"I predict that soon we'll have red meat-eating and non-red meat-eating sections in restaurants. I already have vegetarians coming by my table to complain, 'Ooh, how can you eat that dead animal?' Barbecue sauce, that's what I tell 'em. With the right kind of barbecue sauce, you can eat road kill."

"I'm not anti-gay, but I am flame retardant. . . . Maybe we should just have a separate gay army. That would scare the hell out of everybody. The President gets on the phone and says, 'Hey, I'll send our gay army over there. They take prisoners.'"

"Last year in California they were trying to pass a law making it illegal to refuse to hire someone for not speaking English. Can you imagine if that had passed? Your house is on fire and you call 911 . . . 'No habla inglés'"

"I'm sitting on my couch, drinking a beer and watching TV, and I see the black mayor of Washington, D.C., say, 'The white man owes the black man for slavery.' I fell off the couch . . . He'll have to wait another 300 years. I already owe Sears and MasterCard, I've given my land to the Indians, and I'm paying for Spanish lessons."

"I'm like everybody in this room. I didn't get to pick the time period I was born in. I didn't get to pick my race or my gender. . . . I believe we're all created equal. . . . I tell all women and minorities, don't blame me for the past. If you want to dig up my Grandpa and kick his ass—go ahead!"

That sort of thing.

So there I am, on a successful national tour with my new CD—produced by a six-time Grammy winner who has worked with Redd Foxx, Richard Pryor and George Carlin—when my agent calls: My Washington dates are canceled. All my dates with this comedy club chain are canceled. My tour is over.

"Why?"

"The bombing in Oklahoma City."

"What the hell do I have to do with that?"

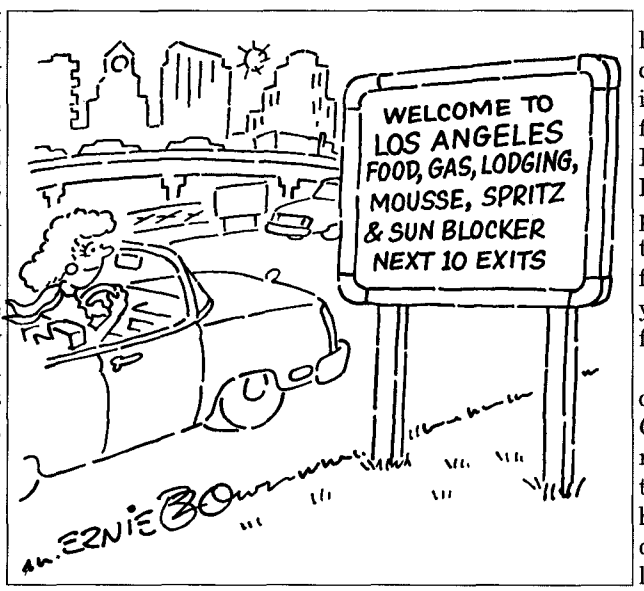
Well, the President had made a speech about "angry bitter voices" who are "on the airwaves everyday," blaming them somehow for this dreadful crime. And apparently I wasn't the only one who had taken him to be singling out Rush Limbaugh. In fact, the owner of the chain of clubs I was touring understood him the same way—and made an immediate connection with me. Whereas only a week before this owner called me his "number one boy" and discussed a second tour next fall, this week I was history and my name was mud.

Where was the logic? A federal building is bombed. Rush Limbaugh thinks the Federal Government is too big. The Republicans he supported last year received a large majority of white male votes. I am a conservative entertainer who has been compared with Rush and have an act in which I deal humorously with common frustrations of white males today. Therefore I share responsibility for the bombing. Get it?

Frankly, I don't think bombing suspect Timothy McVeigh would come anywhere near my act. He doesn't appear to be someone with a sense of humor. Neither does President Clinton. There's something about a guy who would react to such an inhumane crime with a partisan attack on his critics which leads me to believe that he couldn't share a good laugh.

Part of my act makes fun of how "sensitive" figures of speech can mask individual responsibility: "Red meat doesn't make you fat! Cake doesn't make you fat! Ice cream doesn't make you fat! Eating like a [blankety-blank] pig makes you fat!" I go on to say that there's nothing awful about fatness, as long as you own up to your responsibility. I am getting fat, I admit, because I drink beer.

I'm responsible for the beer I drink, but not for the Oklahoma City bombing. With regard to reckless speech, the President is throwing stones from a glass house. Some day, with a little distance, I'll find even that laughable. —JEFF WAYNE




*Mr. Wayne, a 38-year-old stand-up comic, is a Kentucky native who has lived in Los Angeles since the late 1970s.*



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ized in the American press as the more "liberal" one, since it seems to suggest somehow coming to terms with the Castro dictatorship. Actually, the *dialogista* position is more complicated than this. Carlos Alberto Montaner has repeatedly stated that he understands "dialogue" as something that must take place first and foremost between the Cuban government and its own people, not as cozy accords reached between Castro and the State Department, or even between Castro and the exile community. Moreover, lost in accounts of the differences between Mas and his rivals is the stubborn fact that the overwhelming majority of Cuban-Americans are firmly anti-Castro, and do not favor U.S. policies likely to rescue him from the consequences of his misrule.

As if to respond to this point, the American press has recently gone digging for exile groups on which to bestow approval. What they have found are Alfredo Durán and his Cuban Committee for Democracy, Lisandro Pérez of the Cuban Research Institute, Eloy Gutiérrez Menoyo, founder of *Cambio Cubano*, and Ramón Cernuda, who represents the dissident Elizardo Sánchez in the United States. Some of these people are Cuban-American Gorbachevs (we must reform socialism to save the achievements of the revolution); others are sincerely afraid of civil war if the pressure of the U.S. trade embargo is not lifted. Still others are convinced that "dialogue" with Castro is a possibility in spite of all countervailing evidence. No doubt some have been misunderstood by the mainstream community, a few even threatened by fringe groups. In any case, they represent so small a portion of the whole that their only political significance lies in the need of others to find Cuban exiles who will go on record as opposing American policy towards Castro.

## *Back to the Fifties*

OF ALL the charges leveled against the Cuban-American community, perhaps the most bizarre is the notion that its members plan to return to Cuba, there to impose a lifestyle and political order evocative of the 1950s. Chronology alone rules out such eventualities. Most Cuban-Americans active today in business and politics have roots too deep in the United States to contemplate such a possibility; at most their elderly parents can nourish the hope of moving to retirement condominiums in their homeland.

In fact, a recent poll taken in Dade County reveals that 64 per cent of those surveyed have no intention of re-establishing themselves in Cuba (24 per cent think they would, 12 per cent are undecided). Moreover, 60 per cent believe that those who have left should not be allowed to simply reclaim homes and businesses which they abandoned. In addition, fully 73 per cent believed that "socialized medicine and free education must continue in democratic Cuba."

On the other hand, we know virtually nothing about the opinion of Cubans on the island, since they have not been allowed to vote or even respond to opinion polls for nearly four decades. While presumably they do not wish to hand over control of their country to exiles in Florida, neither is it certain that their commonly reported views about "Miami" are either sincere or firmly held. In the fullness of time the Cubans may come to appreciate a well-placed ethnic lobby in the United States.

An even more outlandish notion is that the United States is preparing Jorge Mas Canosa to be its puppet president of a post-Castro Cuba. Here, for example, is Wayne Smith, former director of the U.S. Interests Section in Havana, a tireless critic of U.S. policy since his retirement from the foreign service: "The only chance for Mas to come to power in Cuba," he told Anne Louise Bardach, "is a complete collapse of the country, a civil war, leading to a U.S. intervention to install Mas. It's the old 1950s school of CIA thinking about how to get rid of their guy and install our guy."

It *is* 1950s CIA thinking—except that we are not living in the 1950s, and (as both the Bush and Clinton Administration have demonstrated) nowadays the United States intervenes in the Caribbean only to install leaders who have been previously elected. It is, of course, not inconceivable that civil disorder in Cuba could produce pressures for U.S. intervention. But even if such pressures were to bear fruit, the United States would certainly not install someone who has not lived in Cuba for more than 35 years. At the most, the U.S. might sponsor free elections in which Mas would be free to participate.

Moreover, even if the next Cuban election were restricted to Cubans living in Dade County, it is not at all clear that Mas would win in a walk. The poll cited above revealed that in a hypothetical race for the Cuban presidency, Mas would win only 44 per cent of the vote (11 per cent goes to Tony de Varona of the Auténtico party, 25 per cent "don't know," the remainder express preferences for other candidates). Clearly, Cuban-Americans are beginning to disengage emotionally from Cuban politics—to see the island's political destiny as linked to, but yet separate from, their own. This is surely as it should be.

The Cuban-American story is one of the most dramatic sagas in recent American history—partly because it is so deeply enmeshed in conflicts within the United States about America's world role, and also about the particular value we attach to our own culture. Just as Castro's revolution was the first serious challenge to our way of life in this hemisphere, the success of the Cuban diaspora in the United States has forced "Anglos" to revise their notion about what Latin Americans are capable of achieving, given the right economic and legal circumstances. The Cuban-Americans have also demonstrated that it is possible to sink deep roots in a new country without necessarily surrendering one's own identity, and in so doing have formed a remarkable bridge between the United States and Latin America. They deserve a chance to be seen in all of their complexities, rather than refracted largely through the fantasies and resentments of others. □



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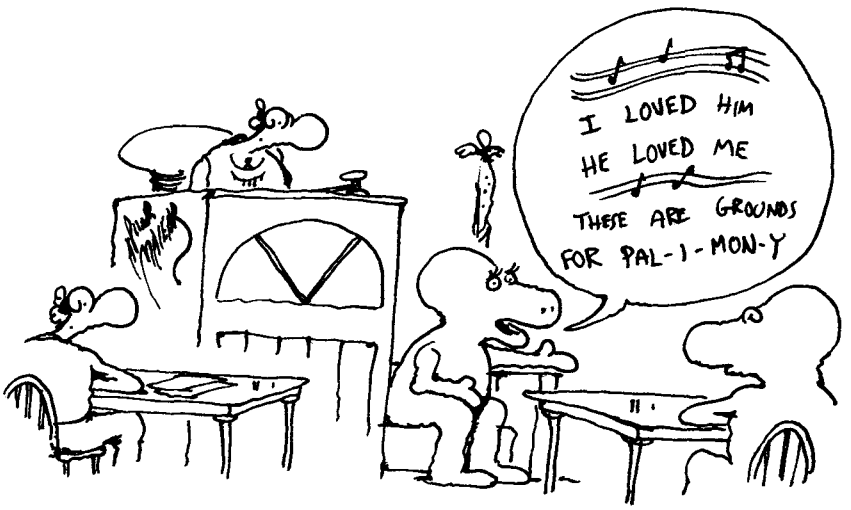


*Barney experiences the dark side of celebrity.*

## *Under the Rug*

So far, nobody's stooped to bug
The Speaker when he lifts the rug
And sweeps beneath it issues that
Still stick up like Mt. Ararat,
Though Christian Coalition types
Stage-whisper inconvenient gripes
That, when declaimed in full voice, may
Make Dole and Gingrich swing and sway.

W. H. VON DREELE

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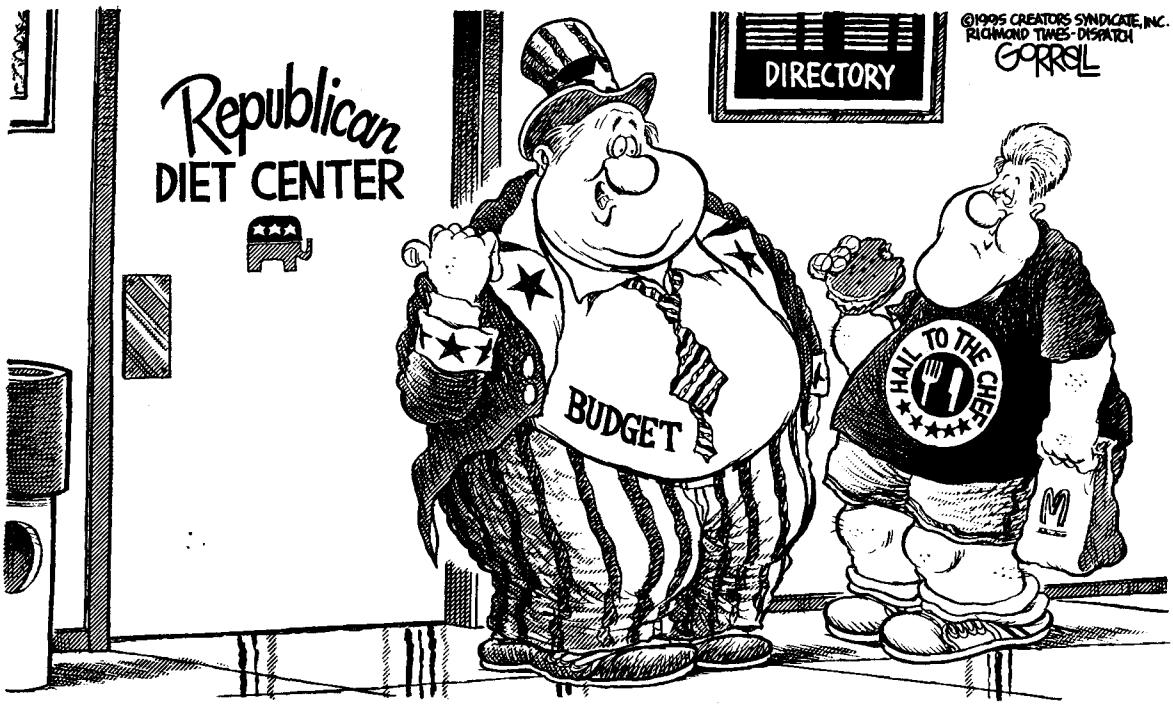


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MANLEY Chicago Tribune
HEY, THIS GIVES US ANOTHER OPPORTUNITY TO AIR OUR DIFFERENCES!
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*Newt Bashing*

# THE OFFICIAL MEDIA VERSUS THE GOP

Softballs for the Left,
brushbacks to the head for the Right.
The media's desperation is showing.

**L. BRENT BOZELL III**

FOUR days after Bill Clinton linked conservative talk radio to the Oklahoma bombing, AP reporter Tom Raum delivered one of the most inane comments ever to come from the national press: "No one is suggesting Clinton is using the tragedy for political opportunity." To be sure, Clinton had not named Rush Limbaugh or any other talk-show host—so why did everyone in the press? Because the media see the Tim McVeighs of the world as the militant extension of political conservativism. Never before, not during the days of Goldwater or even Reagan, have the liberal media exhibited such contempt for the Republican Party in general and conservatives in particular. Clinton didn't have to name conservatives; he could count on the national media to do it for him.

That's exactly what CBS's Bob Schieffer was suggesting when he asked the White House chief of staff, "Mr. Panetta, there's been a lot of anti-government rhetoric, it comes over talk radio, it comes from various quarters. Do you think that that somehow has led these people to commit this act? Do they feed on that kind of rhetoric? And what impact do you think it's had?" It's what *Time*'s senior writer Richard Lacayo had in mind when he wrote, "In a nation that has entertained and appalled itself for years with hot talk on the radio and the campaign trail, the inflamed rhetoric of the Nineties is suddenly an unindicted co-conspirator." *Washington Post* reporter Juan Williams agreed. "It seems to me that you have angry white men here, sort of in their natural state, gone berserk," he suggested on CNN's *Capital Gang*. "This is the essence of the angry white men taken to some extreme, some fanatic extreme, and I will grant you that. But it's the same kind of idea that has fueled so much of the right-wing triumph over the agenda here in Washington."

"What do you say to people who say you are an extremist, that you're a right-winger, that you're a nut, that you're a bomb-thrower?" was a question put by CNN's Bernard Shaw not to Tim McVeigh but to Republican presidential candidate Robert Dornan. Carl Rowan summed it up for the national press: "Unless Gingrich and Dole and the Republicans say, 'Am I inflaming a bunch of nuts?' you know we're going to have some more events. I am absolutely certain the harsher rhetoric of the Gingriches and the Doles . . . creates a climate of violence in America."

Extreme, angry, fanatical and rhetorically violent though they were, these comments were merely the latest skirmish in a media assault on the GOP that began when the Contract with America was introduced last September. *Wall Street Journal* executive Washington editor Al Hunt weighed in with this analysis on *Capital Gang* on October 1: "What this Contract says is you can have a hot fudge sundae for every meal and still lose weight. It's a fraud . . ." *Newsweek*'s Joe Klein warned in an October 31 "news" story that "The Republicans have resorted to demagoguery and transparent bribes [like lower taxes]. The legislature they promise seems a blustery, selfish, self-righteous desert." "Long on promises and short on sound premises" (Tom Brokaw, *NBC Nightly News*). "A cheap-trick wish list written by Republican members of the House" (Michael Ruby, *U.S. News & World Report*). "The Republicans have no shame at all . . . this 'Contract with America' is nothing but gimmicks and silly stuff, and nobody can govern with it" (Nina Totenberg, *Inside Washington*).

## *Denial Time*

ON election night, as returns pointed to a GOP landslide, some in the media simply refused to credit conservatives with capturing the mantle of national leadership. "They are not voting Republican tonight, Mary. They are voting against a lot of unhappiness in their lives," *U.S. News & World Report*'s Steven Roberts explained on CNBC's *Equal Time*. "[The Republicans] have got to be practical. They have got to compromise . . . This is not an anti-government vote tonight."

CNN's William Schneider concurred: "The cynics would say this was a vote for gridlock, but I think it's easier to say, and the data points to the conclu-

*Mr. Bozell is chairman of the Media Research Center.*



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## About the Author

Basil Venitis is the hottest trader of our times, a Wall Street high roller, a futures high hitter, and the keenest economist in New York. He was the first trader to apply Chaos Theory to financial markets. That's why he is considered by many traders as the first market chaologist and the father of Chaos Trading.

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sion, that it was a vote for bipartisanship, for centrism." His colleague Mary Tillotson took it a step further, predicting that the victory would alert the nation to the dastardly nature of the Republican Party. "There's no overarching mandate that the GOP can read into this . . . My memory after the '92 convention the Republicans held in Texas is that a lot of people, even Republicans, said 'Good Lord, what have we done?' because the party seemed to have skewed so to the right. Well, the country gets to see that now. It's at least conceivable they set up their own defeat in '96, isn't it?"

Others were downright disgusted. We remember Peter Jennings's infamous radio commentary: "Some thoughts on those angry voters. Ask parents of any 2-year-old and they can tell you about those temper tantrums: the stomping feet, the rolling eyes, the screaming . . . Imagine a country full of uncontrolled 2-year-old rage. The voters had a temper tantrum last week . . . the nation can't be run by an angry 2-year-old." But Jennings wasn't alone. Over at NBC, Bryant Gumbel was letting it fly. "You're aligned to a party," he shot at black Representative-elect J. C. Watts, "which owes many of its victories to the so-called religious Right and other conservative extremists who are historically insensitive to minority concerns. That doesn't bother you?" The next day he was at it again, this time with Jack Kemp. "The so-called Christian Coalition, as you know, is claiming a great deal of credit for GOP victories across the board. Are you not at all concerned about where their brand of, some would say, extremism or intolerance may yet try to take your party?" The *New York Times* headline that same day was more hopeful: "1994 Isn't Forever."

## *Scary Newt*

THE post-election lull allowed the media to engage in a bit of the what-does-this-mean-to-you? analysis that so often throws any pretense of objectivity out the window. The first order of business was to introduce Speaker-elect Newt Gingrich as the personification of the extremism about to befall the nation. "A lot of people are afraid of you," Sam Donaldson suggested to Gingrich on the November 13 *This Week with David Brinkley*. "They think you're a bomb thrower. Worse, you're an intolerant bigot. Speak to them."

Two days later, on *Dateline*, NBC's Tom Brokaw described Gingrich as an "arch conservative . . . combative, perfecting his trademark scorched-earth tactics." The December 19 *Time* cover featured a sour-faced caricature of Gingrich with the words "Uncle Scrooge: 'Tis the season to bash the poor. But is Newt Gingrich's America really that heartless?" Inside the issue, correspondent Michael Kramer accused him of a "penchant for shaving truth by the clever manipulation of easily grasped images . . . a lot of what Newt says is mostly not true." According to a study by the Center for Media and Public Affairs, between the elections and Christmas 100 per cent of network news assessments of Gingrich were negative.

It was the same with GOP proposals. When Gingrich suggested orphanages as depicted in the movie *Boys Town*, CBS's Anthony Mason correctly reported that "Gingrich says his new orphanages would be voluntary, for unwanted children," but then added the requisite spin: "With plans for widespread welfare cuts, poor parents may be left with little choice." And for visual effect viewers were treated to movie scenes of another sort—children begging for gruel in *Oliver Twist*.

When the Republicans talked about tax cuts they were roundly denounced. The *Washington Post* accused them of "reaching backward . . . hoping to bribe the electorate." CBS Washington Bureau Chief Barbara Cochran told America that "There's no question it was the Reagan tax cuts that led to the deficit." Gumbel called it "Voodoo II" and then asked Representative John Kasich if he planned "to turn back the clock and go back to Reaganomics that ballooned the deficit in the first place." Over at NBC, reporter Mike Jensen proclaimed: "They say that none of this is going to increase the deficit even though the government will collect less in taxes, because it will stimulate the economy. Most economists say that that's a lot of baloney, that it's not true." By "most economists" he was referring to those used by the networks. In the month of December there were 12 interviews with economists opposed to tax cuts; not one interview featured a supporter of tax cuts.

Welfare reform? On the November 23 *Nightline* Chris Wallace asked the question one never hears directed toward liberal initiatives, "Does the Republican plan for welfare go too far?" only to answer himself, "House Republicans have come out with a plan that can only be called radical."

"This is a rotten time to be black," warned *Newsweek*'s Evan Thomas on *Inside Washington*. "Blacks are just going to take it in the chops." The *Los Angeles Times* agreed: "From the bottom of the income ladder, the prospect of the Republican revolution is chilling."

The Republicans' promise to balance the budget by cutting wasteful spending was met with hysteria. "The leaders of the next Congress have already announced their intention to make major cuts in welfare and other social services," CBS's Richard Threlkeld reported the day before Thanksgiving. "Thanks to places like the Pine Street Inn in Boston, this Thanksgiving there'll be a hot meal and bed for anyone who needs it. Next Thanksgiving, though, Boston's homeless may not have that to be thankful for."

Three weeks later his colleague Randall Pinkston warned "that if Republicans make good on their threatened budget cuts, whatever safety net exists for America's needy won't exist any more." Former NBC News President Michael Gardner summed it up in January: "It sure is exciting to think about that balanced budget everyone wants . . . It's exciting—until you wonder how it will affect you and your family and your neighbors and your town. Then it's scary . . . Without [big government] a lot of poor children wouldn't have breakfasts. A lot of professors wouldn't have grants. A lot of needy people wouldn't have medical care—or food . . ."

Although the 100-day congressional session (January 4–April 10) was the busiest on record, allowing the networks little time for in-depth analysis, the coverage was equally awful. In 229 network stories devoted to policy issues, talking heads opposed to the Contract outnumbered supporters by 442 to 330, or 58 to 42 per cent. There were 127 stories (56 per cent) dominated by opponents of the Contract, only 21 (9 per cent) in favor (the remaining stories were neutral). There were 34 reports attacking the Balanced Budget Amendment; only 1 appeared on each network on the need to downsize government. On welfare reform 45



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stories (66 per cent) were devoted to liberal arguments; only 10 (15 per cent) to conservative arguments. For every story that reflected the public's demand for tax cuts there were six detailing liberal arguments that tax cuts are too expensive and would benefit the wealthy. On regulatory reform 88 per cent of the stories warned of impending harm to the environment and 8 of the 9 stories on legal reform were dominated by the liberal agenda. On the crime bill there were 30 soundbites (39 per cent) supporting the Contract, 46 sound bites (61 per cent) opposed. When term limits were defeated, the media blamed Republicans by 2 to 1 (12 stories *v.* 6).

The national news media have targeted the GOP, and the Republicans discount the media's impact at their own peril. If they wait until this summer to focus on the media onslaught, it will be too late. Analysis frames the debate, present and future. Forget Clinton. Forget the Democratic Party. It is the national media the Republicans must confront. □

*Kemalism Is Dead?*

# WEST FROM TURKEY

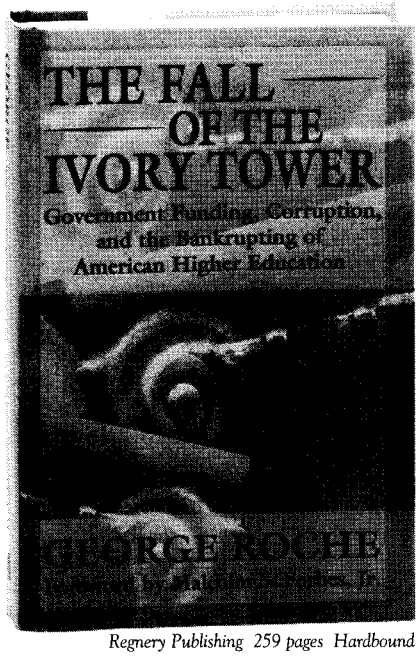
The state of Ataturk's revolution mattered little to Europe—until Bosnia.

**NOEL MALCOLM**

ON A hillside overlooking the Turkish capital from the west, in a mausoleum of severe, neoclassical, and definitely non-Oriental design, Mustafa Kemal Ataturk lies in his marble sarcophagus. Below him, the city which he more or less invented (Ankara was the sleepiest of country towns until he turned it into the national capital) hums with non-stop activity in a haze of exhaust fumes. Stand in any of its main streets, disregard the occasional minaret on the skyline, and you might think you were in the modern quarter of an Italian, Spanish, or French city during a period of unusually rapid economic expansion.

All of which is exactly what Ataturk would have wanted you to feel about Turkey—a country he more or less in-

*Mr. Malcolm is a historian and former political columnist of the London* Daily Telegraph.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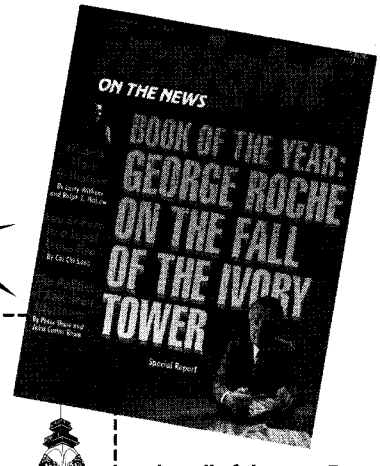


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vented too. Economic growth, modernization, and Westernization were the driving forces of "Kemalism," the personal doctrine of state and government which he imposed on Turkey and which remains its official dogma. Occasionally, the sheer dynamism of the Westward-tending impulse can still take one by surprise. At Bilkent, for example, five miles outside the city, a huge new privately funded university has sprung up out of the bare earth in a forest of well-built high-rises; modeled on an American university, it conducts all its teaching in English. One lecturer there told me that the telecommunications and computer technology in his faculty building was much better than it had been at the British university where he had just finished his doctorate. Remembering a story in a Turkish newspaper about an overheard conversation between two Turks who were working as manual laborers in Germany, I was inclined to believe him.

"Is there anything in your fax machine today?" asked one of them.

"No, nothing," said the other. "Do you think something has happened to my mother?" Both workers had had fax machines installed in their central-Anatolian village homes.

If Ataturk had known what a fax machine was, he would surely have approved. When he came to power in 1923, more than 80 per cent of the population was illiterate, and those who could write did so in Arabic script. Ataturk's crash program of cultural modernization, affecting education, political life, communications, religion, women's rights, and even, famously, the permitted style of headwear, is surely the greatest example in modern history of an entire country being remodeled by an individual—and of that remodeling being accepted by the population as a whole.

Or was it? Dissident voices have long murmured that Ataturk's whole project was a failure, even though such comments were akin to propagating atheism in Vatican City. The "Kemalism is dead" debate has sputtered on for many years; there is nothing original about making such a claim today. Nor does any one of the current spate of bad-news headlines necessarily prove that it is true: the sliding currency, the inflation of 140 per cent and unemployment of nearly 20 per cent, the murders of secularist intellectuals, the rise of a vociferously Islamic political party, the attacks on members of the Alevi sect, the massive and controversial military operation against Kurdish guerrillas in northern Iraq. But somehow the combination of all these things, set in the wider context of Turkey's position between the post-Communist Balkans and the post-Soviet Russian Empire, does help to focus the mind on the weaknesses of the whole Kemalist project.

## *First, Make a Nation*

FOR Mustafa Kemal Ataturk was not just engaged in modernizing the Turkish nation. Before he could do that, or at least at the same time, he had to *make* a nation out of the people who lived within Turkey's borders. These two processes were intimately connected: the campaign against "Oriental dress," for example, was concerned just as much with homogenizing, with getting rid of regional distinctions, as it was with Westernizing. A kind of Turkish Anatolian nationalism was invented, substituting the compact geographical identity of modern Turkey for the diffuse cultural-imperial thing that Ottoman civilization had been.

All who lived within the Turkish state (apart from the Greek minority, for whom special conditions were laid down under the Treaty of Lausanne) were expected to think and speak as Turks—indeed, to be Turks. The intolerant official policy which has been applied for most of the last seventy years toward any expression of a distinct ethnic or linguistic identity by the Kurds is thus a direct legacy from Ataturk himself. Indeed, the dictatorial powers under which he pushed through many of his boldest modernizing measures were passed by the Turkish Assembly in 1925 in order to enable him to deal with a Kurdish revolt in the southeast of the country.

*"You'll have to learn to live with it. It's an endangered species."*

The firmest stronghold of Kemalism today is of course the army; and it was the army which pressured the government, against the latter's better judgment, into mounting a large-scale operation in northern Iraq at the end of March. The government's better judgment, however, concerned only the timing of this adventure, coming as it did during the most delicate final stages of a customs-union agreement with the European Community. Although the effectiveness of such military action should have been doubted, its popularity was never in question. Private initiative has decked the streets of Ankara with banners calling for donations to help "little Mehmet," the Turkish equivalent of GI Joe; several million dollars had been collected for the widows of fallen soldiers within 24 hours after this appeal was launched.

Ordinary Turks, including all but the most extreme of dissident intellectuals, are convinced that this military operation is justified because it is directed not against Kurds in general but against the PKK (Kurdish Workers' Party), which is certainly one of the most violent terrorist organizations in the world. But at the same time most Turks are prevented, by the dead weight of Kemalist doctrine, from seeing that some new policy toward Kurds in general is also needed. In the overwhelmingly centralist state system that Ataturk invented, any kind of regional political arrangement becomes almost unthinkable.

There are signs, however, that the Kemalist doctrine of ethnic uniformity is beginning to crack. Under the late President Turgut Ozal (who died suddenly in 1993) the idea of acknowledging a Kurdish identity became publicly accepted. Ozal himself showed the way when he stated that his own grandmother had been a Kurd. As a result, books and newspapers in Kurdish can now be bought—though you have to hunt for them—in every major Turkish city. Of course people had known that



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Kurds existed and spoke Kurdish; but the official ideology had denied it, until Ozal broke the ice.

Other cracks were also bound to appear. For the truth is that the Turkish state which emerged after the First World War was not the homogeneous center of the old Ottoman Empire, from which all the other bits had dropped away, but the last refuge into which heterogeneous peoples had retreated throughout the Empire's final period of decline. Turkey was, quite literally, a country of refugees: Abkhaz and Azeris from Transcaucasia, Chechens and Circassians in huge numbers from the northern Caucasus (the victims of Russia's ethnic cleansing in the late nineteenth century), Tatars from the Crimea, ethnic Turks from Bulgaria (the last wave of whom, numbering 300,000, came in the 1980s), Albanians from Kosovo, and Muslim Slavs from Macedonia, Serbia, and Bosnia—to name just a few.

Quite recently, and again with President Ozal's help, it has become possible to talk openly about this extraordinary ethnic diversity. One of the more surprising best-sellers of the last few years is a Turkish translation of a scholarly work published in Wiesbaden, entitled *Ethnic Groups in Turkey*, which goes through the whole list from Abdal to Zaza. "It's suddenly become chic to have a Chechen grandmother," a Western ambassador told me; and indeed every single Turk I have spoken to at any length has revealed at least one non-Turkish ancestor or family connection. Most have lost their non-Turkish language, if only within the last generation or two; so in that sense homogenization has worked. Many may still believe in Ataturk's Turkish–Anatolian nationalism as an ideal. But they cannot believe in it any more as a representation of historical fact.

What, then, apart from shared citizenship and a common public language, did bind these people together? A quick glance at that list of refugee populations provides the answer: the reason all these people fled from the extended or newly established domains of Russia and the Christian states of the Balkans was that they were Muslims. Islam, not Turkhood, was the essential binding factor.

As one historian at Bilkent University put it to me, describing his own childhood in the central Anatolian


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countryside: "In our area there was a Circassian village, a Bosnian village, a Turcoman village, and so on. Until the present generation, they mainly married within their own community—apart from the Kurds, who had always intermarried with Turks. We were aware that they were different, though of course we didn't think of them as foreign; we were all friends at school. But if I ask myself what really bound us together and gave us a common identity, I have to say that Islam was an essential part of it. Islam was the basis of the ordinary practices, customs, and beliefs which we all shared." (If this analysis is correct, then the split between the Alevis and the rest of the population will turn out to be the deepest division in Turkish society in the decades to come: the Alevis are the one group of Muslims whose special practices and Shiite beliefs are so far removed from Sunni Islam that ordinary Turkish Muslims cannot identify with them.)

### *Never Again?*

THIS rediscovery of diversity, linked in most cases to a common Muslim identity, has some important implications both for Turkey's external policies and for her internal politics. It is not a coincidence that it is happening just as the suffer-

## *The Forgotten Republic*

LIDICE is remembered with sorrow and anger: the Czech village razed by the Nazis, its inhabitants massacred. I was unaware of the similar fate of Sandallar and Atlilar, in the Turkish Republic of Northern Cyprus.

There is not much to see: a few burnt-out houses, and two simple monuments to the inhabitants. The dead at Sandallar numbered 89, including some old people and a baby of four months. The toll at Atlilar was 37, including two babies, one 16 days old, the other 15 months.

The Greeks who carried out the massacres included a few uniformed members of the National Guard, armed with machine-guns, and civilians who knew their victims and called them out by name to meet their fate.

The date is important. The deeds were done on August 14, 1974, less than a month after a Turkish force of six thousand troops and forty tanks had landed near Kyrenia. Was it an invasion? Or a rescue operation? Or, more neutrally, just a landing? It all depends on who you are, and where you stand.

A BACKWARD look is necessary. This was not my first visit to this beautiful Mediterranean island, only 40 miles from Turkey (and 560 miles from Greece). I had gone there 39 years ago, when the Greek Cypriot terrorist movement, EOKA, led by a political bandit called George Grivas, was in full swing. Grivas had one simple aim: *Enosis,* or union with Greece.

At that time, in 1956, Cyprus was still a British colony, and Britain was not eager to hang onto it. The dismantling of the British Empire was already well under way, but Cyprus was a tough case with some 100,000 Turkish Cypriots, scattered in vulnerable enclaves, and perhaps five times as many Greeks.

EOKA's initials were designed to confuse: they stood for National Organization for the Cyprus Struggle, but meant in reality, "for Greek Cypriots and union with Greece." There was no room in EOKA for Cypriots of Turkish origin.

Cyprus, indeed, was a fully qualified member of the New World Disorder before History began again after the collapse of the Soviet system. Cyprus reminds me of Ireland: two ethnic and religious communities living on the same island, the majority wanting to control the minority, and the minority looking to a nearby ancestral homeland for protection.

During the EOKA terror campaign (1955–58) hundreds of Turks were killed and more than 30 villages destroyed (logically, one might say, since Grivas was committed to eliminating all "traitors," defined as opponents of *Enosis*).

The British achieved their aim of getting out of Cyprus in 1959 after meetings with the Greek and Turkish governments, which resulted in the London–Zurich Agreements, specifying that the two Cypriot communities would be the founding partners of the forthcoming republic. As for *Enosis*, it was outlawed; and so, to be fair, was *Taksim* (partition), which is what the Turks wanted.

The new Republic that emerged in 1960 was, however, virtually stillborn. The president, the Greek Orthodox Archbishop Makarios, is often described as a "moderate," but the facts are otherwise. He gave the Interior Ministry to a known EOKA killer, Polycarpos Yorgadjis, and similar appointments followed. At the end of 1963, he moved closer to the Grivas model, unleashing a secretly trained army of Greek and Greek Cypriot irregulars against the Turkish community. The Turks hit back, reportedly with arms from Turkey.

Makarios declared the Agreements null and void and expelled Turkish members of his government. By late 1963, the small British peace force was out of its depth, and in mid February 1964, Britain referred the Cyprus problem to the UN Security Council. The outcome was another set of initials: UNFICYP, or the United Nations Peace-Keeping Force in Cyprus. It came in 1964 and is still there, more than thirty years on. Before flying from London to Kyrenia this time, I watched a relevant installment of a documentary television series titled *A Soldier's Peace*, in which the Canadian Major-General Lewis MacKenzie summed up the decades of UN peace-keeping in a telling phrase: "It fails even when it succeeds."

The long-drawn-out conflict came to a climax on July 15, 1974, when an ex-EOKA terrorist named Nicos Sampson, with the backing of the Colonels' regime then in power in Greece, overthrew Archbishop Makarios and took over. But not for long. There was an element of farce in Sampson's coup, which put him in power for not quite a week—one of

*Mr. Crozier, a longtime* NR *contributing editor, is the author of, among other books,* Free Agent: The Unseen War, 1941–1991 *(HarperCollins).*



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ings of Bosnian and Chechen Muslims are filling the news broadcasts on Turkish television. The special concern that Turkey feels for those countries (above all for Bosnia, where the Serbs refer contemptuously to the Muslims as "Turks") has nothing to do with wanting to restore Ottoman rule or influence. It is, rather, the dismay felt by refugees from earlier massacres who had hoped they could say, "Never again."

The importance of the Bosnian issue for Turkey has been grossly underestimated by her allies. "This is a matter of national importance for us," I was told by Vehbi Dincerler, the organizer of the Committee on Bosnia in the Turkish parliament. "It is an all-party issue. When we put forward a motion calling for the arms embargo on the Bosnian government to be lifted, it got 98 signatures on the first day." For Kemalists (a category which officially includes all the mainstream political parties), the special significance of Bosnia is that it too was a secular, Westernized state with a Muslim population, albeit not a majority one. If such a state is not to be helped or even permitted to survive, apparently because Western Europeans do not want Muslims in the neighborhood, however democratic and secular they may be, then the raison d'être of modern Turkey must also be in doubt. Kemalism, which idealizes Western Europe, is

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the shortest-lived takeovers in history. Within days (on July 23) the Greek Colonels decided, after seven years in power, to hand the country over to civilian politicians.

There was, however, drama as well as farce, for the Turkish military landing had started on July 20. Of the questions I put to President Rauf Denktash on my recent visit, the key one, to me, was whether the Turkish government had decided unilaterally to intervene, or whether he had asked the Turks to come in. His reply was frank. He had been in constant touch with the then premier of Turkey, Bulent Ecevit, and had pleaded with him to rescue the heavily outnumbered Turkish minority.

The Turkish operation was followed by a massive transfer of populations, obligatory for the Greeks in the north, voluntary for the Turks from the south, in fear of a Greek backlash.

Another glance backward. On my visit in 1956, Denktash had called to see me at my hotel in Nicosia. Denktash has not changed very much—a short, now even broader man of 71. Like his counterpart in southern Cyprus, Glavcos Clerides, he is a London-trained lawyer, and his exposition of the long crisis and his efforts to solve it was admirably judicious.

The little Republic needs Denktash, but came close to losing him in the first round of the presidential election this April 16, when he won only 40 per cent of the vote, with his right-wing rival, Dervis Eröglü, close behind. But in the run-off on the 22nd, he won a fifth term with 62 per cent.

Meanwhile, back in 1975, the Denktash government, under Turkey's protection, proclaimed a Turkish Cypriot Federated State on February 13. Initially, Denktash did not seek international recognition. His aim was to negotiate a deal with his Greek Cypriot opposite number, Acting President Clerides, for a partition of the island into two separate, but federally linked, entities.

That was twenty years ago, and the deadlock has been frozen ever since. Clerides and his advisors were not interested in Denktash's federal fantasy, as they saw it. There seemed only one way out, and Rauf Denktash took it in 1983. He dropped the federal initiative and, on November 15, proclaimed the independence of his enclave, under the name of "the Turkish Republic of Northern Cyprus." Three days later, on the initiative of the (Greek) Republic of Cyprus, the UN Security Council voted for non-recognition of the Northern Republic.

And there, you might think, the matter rests; except that it does not, and should not. Life in the unrecognized republic is at least peaceful, but not as comfortable as it might be. The Greek Cypriots see to that, by cutting off gas and electricity daily, although the Turkish northerners hope to have enough supplies of their own before long. Inflation is running at 200 per cent, and life without Turkish handouts would be grimmer still. The Greek government tried to block a mainland-Turkish move for a customs deal with the European Union, but eventually lifted its veto.

In southern Cyprus, meanwhile, there are worrying signs. For months past, a Russian-mafia and ex-KGB presence has been building up there; there is a massive arms build-up as well ($2 million worth a day, according to northern sources), including equipment from the former Warsaw Pact as well as from NATO via Greece. There are also reliable reports on a still more sinister development, with the training of anti-Turkish, Leninist terrorists of the PKK (Kurdish People's Party) in the south.

Meanwhile, Turkey's military presence in the north has officially grown from 6,000 to 30,000. Unconfirmed whispers put the total at closer to 130,000. Reminder: Greece and Turkey are both members of NATO. In February 1975, the U.S. Congress imposed an arms embargo on Turkey; in retaliation, Turkey closed 25 U.S. defense installations. President Gerald Ford partially lifted the embargo in October 1975 and under a new agreement, the following year, Turkey took control of the installations and received substantial grants and credits from the United States.

TIME to declare? In my view, the Turkish intervention of 1974 was *not* an invasion, as widely accepted, but a morally justified rescue operation. I understand the Greek ancestral memories of Ottoman oppression, but I do not think they justify Greek Cypriot repression of the peaceful Turkic minority. I regret the Greek rejection of a federal solution, which alone makes sense to me. Still more do I regret the international failure to recognize the independence of northern Cyprus. As it happens, talks on ways to reunite Cyprus, sponsored by the U.S. and Britain, opened in London on May 20. This encourages me (but only just) to end on a note of hope, though not of optimism.

—Brian Crozier



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thus being undermined by the Western Europeans themselves.

In these circumstances, the only beneficiary of the Bosnian issue in Turkish politics today is the Refah (Welfare) Party, which campaigns for the restoration of Islamic values. In the local elections of March 1994, the Refah Party swept into power in 29 major cities, including Ankara and Istanbul. A Turkish political scientist told me that almost every public meeting of Refah's had begun with emotional speeches (and, frequently, a video) about Bosnia: "It's the first time I've seen local elections conducted partly on foreign policy."

The accusation that the government is betraying Muslim brothers and sisters in Bosnia is a useful weapon for the Refah Party (despite a scandal in which the party was itself accused of embezzling money collected for Bosnia). It goes with a rhetoric of hostility toward both the European Community and NATO, a mood which those two bodies have fueled. Refah politicians—and other Turkish politicians too—were offended by a speech given in 1993 by Jacques Delors, identifying "Europe" with Christianity, and dismayed by the recent pronouncements of NATO Secretary General Willy Claes, who suggested that Islam might replace Communism as NATO's enemy. When I asked Abdullah Gul, Refah's vice president and its most moderate spokesman, whether his party was opposed to NATO membership, he gave an eloquently diplomatic answer: "We think that NATO performed a valuable role—in the past."

It may not be in the interests of Turkey's NATO allies, therefore, that such a pro-Islamic party should ever come to power. But can it, or should it, be prevented from forming a government, if enough Turkish voters want it to? The party's support stands at 25 per cent in the opinion polls; if it reaches 35 per cent by the next parliamentary elections (which have to take place before September 1996), it may gain an absolute majority in parliament. But while the party's ideologists do include some extremists who want to restore Islamic law, the majority of its ordinary supporters want no such thing: they back it because it represents the simple values and traditions that sustain their daily lives.

Kemalism, to be fair, did not attack those values and traditions head-on. Ataturk never tried to abolish religion; he was a practicing Muslim himself. What his "secularist" project tried to achieve was the disengagement of religion from those areas of life (politics and education above all) which were the concern of the modern Western state. Unlike Communism, Kemalism did not try to insert itself into private life as a system of moral values or social relations. And, with all the dislocation caused by rapid modernization—most visible in the shanty-town suburbs (*gecekondu*) where villagers try to gain their first foothold in urban society—those religious social values have become more relied on, not less. Rapid modernization, as dictated by Kemalism, has itself been the midwife of an Islamic revival. But once such a revival takes a political form, it begins to seek the recovery of those areas of authority (education and law) from which Kemalism tried to exclude it.

The moderate Islamists, such as Abdullah Gul, have a strong and simple argument: if Western values include respect for democracy, how can you want to stop us from taking power democratically? The non-Islamists, meanwhile, are divided. Some are unworried by the Refah Party; they argue, persuasively, that it should be seen not as an unchanging and irresistible force, but as a political organism which will adapt to political pressures. They believe that it will abandon its more controversial policies (such as withdrawal from NATO) and settle on a program that one leading Turkish historian described to me as "social conservatism." Eighty per cent of the population, he assured me, would be quite content with that.

It is the other 20 per cent, which includes much of the educated, middle-class population, that poses the real problem. There is a determination to resist "fundamentalism" which can only be described as fundamentalist in its intensity and its own sense of absolute certainty. Some place their trust in the army, expecting it to intervene automatically if a Refah government is ever elected. Others talk of the absolute necessity to alter the electoral system now, to prevent such a possibility from ever arising. But some talk seriously about emigrating, and one told me, thumping the table as he did so, that he would take out his gun and fight. Meanwhile, middle-aged ladies form Ataturk Discussion Societies, and the bookstores fill up with earnest paperbacks arguing for the eternal validity of Ataturk's ideas.

It is unfair to say that Kemalism has failed altogether. The evidence of the massive changes Ataturk wrought is unmistakable. And yet, when the abject failure of the world's greatest experiment in social engineering—Communism—is almost universally recognized, we should not make impossible demands of Mustafa Kemal Ataturk. His methods were far less cruel than Lenin's, and his aims far more benign. He wanted to make his country into a normal Western European-style state; this implied that Kemalism itself, as a peculiar governing doctrine, would (to borrow a phrase) wither away. Instead, it has become almost a substitute religion for one part of the population. There is something strangely old-fashioned about this cult, with its absolute certainties and its sepia photographs of men in frock coats. Perhaps it is time, for the sake of modernity and for the ordinary Muslim citizens of Turkey (most of whom want modernity as well), to let Ataturk rest in his tomb. □


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# HUNTING BOUNTY

The False Claims Act was supposed to root out fraud and abuse. Instead, it has transferred it.

**ROBERT STOWE ENGLAND**

SENATOR Charles Grassley (R., Iowa), a slow-talking farmer who has made bales of political hay out of his rural Midwestern heritage, likes to portray himself as a prairie watchdog against government fraud and waste. Since early in his career in Congress he has gotten big political mileage out of his attacks on procurement follies at the Department of Defense. Who can forget the $7,600 Air Force coffee pot he immortalized, or the $1,868 Pentagon toilet seat?

Yet Senator Grassley's efforts to eliminate waste and fraud have produced decidedly mixed results. His blasts led to no congressional investigations. Nor has he helped pass any substantial reforms of the procurement process. What the prairie watchdog did do in 1986 was to help create a new class of plaintiffs in a society already awash in unnecessary litigation, providing employment for a new class of trial attorneys. These lawyers represent informers and whistleblowers who, in exchange for bounties, expose fraud in government procurement.

These lawyers got their big chance after Senator Grassley played a leading role in resurrecting the False Claims Act, a Civil War–era law that allows informers who have found fraud in the government to bring *qui tam* suits, a Latin term first used in Britain to mean one who sues on behalf of the king as well as of himself. It allows informers who expose fraud to become, in effect, private attorneys general.

Senator Grassley's revived False Claims Act gets both high and low marks for its performance since 1986. It has improved the ability of the Department of Justice to prosecute fraud, with or without a whistleblower, primarily by lowering the burden of proof. However, the *qui tam* whistleblower provisions have fostered a pattern of fraud and abuse of whistleblowers by attorneys who have grown rich off their clients by taking a huge cut of the bounty.

*Mr. England is an independent writer covering political and financial issues in Washington, D.C.*

## *Original Abuse*

THE original False Claims Act didn't work as advertised. Often suits were found to be parasitic, based on information already known to civil and criminal investigators. When the Supreme Court in 1943 (*Marcus* v. *Hess*) allowed a *qui tam* action brought by a person who simply copied a criminal indictment prepared by the government, Congress amended the law to bar any suit based on information the government already possessed. As a result, the False Claims Act fell dormant for forty years.

In 1986, Senator Grassley and Representative Howard Berman (D., Calif.) sponsored a revival of the Act, with various amendments. Most of these amendments were not new—they had been kicking around for several years, advocated by various nonprofit and liberal organizations that wanted to curtail fraud in defense procurement. The idea of reviving the Act got a big boost from a famous whistleblower—Ernie Fitzgerald, a Pentagon official who criticized waste on the C5A transport plane in congressional testimony in 1968.

*"We need someone who dresses as badly as you and has an ability to accept criticism. Are you interested in the job, jerk?"*

Beyond these public-spirited voices were attorneys who saw an opportunity to make big bucks. The most important of these was John R. Phillips, a liberal Democrat, and an attorney in Los Angeles. Congressman Berman was a friend of Phillips; Senator Grassley's embrace of him is harder to understand.

One of the key provisions Phillips sought, and got, in the 1986 amendments was an increase in the portion of the recovery an informer can claim, from 10 per cent to a range between 15 and 30 per cent. Another provision allowed those who *participated* in a fraud to bring a *qui tam* suit. These amendments, Phillips claims, along with an increase in the award to the government from double to triple damages, provided the financial incentives that would make the act work. To be sure that whistleblowers did not end up giving all their bounty to attorneys, the act included a provision for statutory attorney fees awarded to the plaintiff to reimburse his attorney.

The revived False Claims Act has led to a flood of mostly minor suits. Between 1986 and 1993 there were about 335 *qui tam* suits, which yielded a total recovery of $8.6 million, for an average of $39,000, according to a report prepared for the last Congress by Assistant Attorney General Frank Hunger. On the other hand, eighty *qui tam* suits that the government joined as co-plaintiff had led to $400 million in recoveries by the end of 1993, Hunger reported. During 1994 another $378 million in *qui tam* recoveries was added, according to the Justice Department, bringing the total amount to $787 million.

Grassley and other supporters of *qui tam* believe the $787 million proves that the False Claims Act is working. But even staunch supporters of the doctrine of *qui tam* do not dispute that the Justice Department would very



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likely have pursued many of the successful fraud cases without it.

## *Cui Bono?*

PERHAPS the key error in Grassley's view is that he uncritically accepts the notion advanced by Phillips and others that *qui tam* is purely in the public interest. In fact, when bounty hunting becomes the chief motivating factor in uncovering fraud, the public interest takes a back seat to personal financial gain. For example, since those participating in a fraud can now bring *qui tam* suits, it is in their interest to prolong the fraud as long as possible before blowing the whistle. They can thus earn an even bigger bounty.

In one of the biggest *qui tam* cases so far, involving informer Chester Walsh against General Electric's aircraft division, Walsh was accused by the Justice Department of delaying his report of fraud for two years, thereby tripling the eventual loss to the government.

To be sure, not all whistleblowers act purely for selfish gain. Some really are motivated by the good of the nation. And many whistleblowers not only lose their careers but never earn a bounty because they can't produce enough evidence to bring their case to a successful conclusion.

As for attorneys, however, most are attracted by the obvious lure of a handsome reward. Phillips has won big settlements in five major cases—four defense cases involving General Electric, Singer, Litton, and Teledyne, plus a Medicare fraud case against National Medical Labs. A former client of Phillips, whistleblower Max Killingsworth, estimates that in this way Phillips has earned more than $40 million. Phillips scoffs at such numbers, but refuses to provide any hard information about how much he makes.

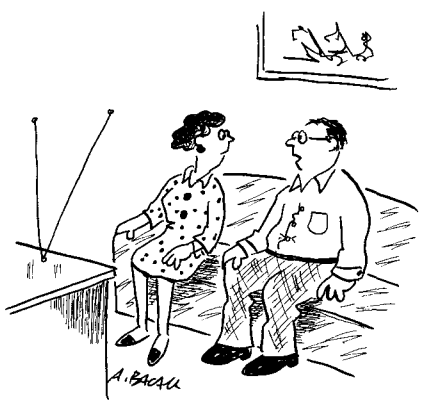
One of several new amendments sponsored in the last Congress by Grassley and Berman, and supported by Phillips, would further blur public and private interest. One provision they sponsored appeared to allow organizations to sue or to be co-plaintiffs with individual informers.

While this proposal may seem innocent, it is not. For-profit *qui tam* attorneys can use friendly or allied nonprofit organizations as co-plaintiffs to earn hidden contingency fees while being paid at their hourly rate under the statutory-fees provision. Indeed, some *qui tam* attorneys have directly asked their clients for contingency fees in addition to requiring that they turn over any statutory fees awarded by the courts. Thus, they get paid twice, which often means they recover more from their cases than their clients do.

Phillips's own earnings have been involved in a titanic struggle with Max Killingsworth, who was his client in *qui tam* suits against Teledyne and Northrop. Killingsworth has been particularly concerned about Phillips's relationship with a nonprofit organization named Taxpayers Against Fraud (TAF), which Phillips helped set up. For many years, in fact, when one telephoned the number listed for TAF, the phone rang at the Hall & Phillips law firm in Los Angeles. TAF is not a membership organization supported by contributions, and Phillips admits that he has selected TAF's board members, including, for a short time, Representative Henry Waxman (D., Calif.).

According to a former TAF director, Scott Armstrong, who resigned in early 1994, TAF board members are all longtime acquaintances of Phillips without expertise in *qui tam* litigation or issues of fraud in government procurement. When Armstrong presented cases to the board for their consideration, he says, they would not allow TAF to accept cases that Phillips opposed. Also, the board always supported TAF's involvement in cases handled by Phillips's law firm. Armstrong resigned from TAF when Phillips and the board refused to provide information on the firm's finances. Phillips insists that board members are independent.

Phillips's use of TAF as a co-plaintiff in *qui tam* lawsuits has been questioned by the Department of Justice, federal judges, defendants, and some of Phillips's own clients. Justice objected to the inclusion of TAF as a co-plaintiff in the big General Electric settlement by noting in a court motion filed in 1992 that TAF "brought nothing to this action except the desire to share in the bounty," while reducing the eventual recovery for the government and increasing the cost of litigation.



*"We're in debt and there are no government programs to help us. That's how I know we're in the middle class."*

Phillips admits that TAF has had agreements with him to pay him a substantial portion of the bounty it receives; he has also required that clients turn over to him all statutory fees awarded to them by the court. Armstrong says that TAF's standard procedure is to turn over half the bounty award that it earns to Phillips's law firm. Sometimes Phillips gets more than half of TAF's share.

Take, for example, the Chester Walsh case against General Electric. Court documents reveal that attorneys representing Walsh collected $5.34 million, divided as follows: $2.29 million in statutory fees, $227,000 in costs, and 25 per cent of the total award of $11.3 million, or $2.825 million. Out of the total paid to all Walsh's attorneys, Hall & Phillips received $4.08 million as its portion. Because TAF got 50 per cent of the $11.3 million-bounty, Walsh's share was $5.65 million, an amount only slightly higher than the $5.34 million he paid the lawyers who represented him. Judge Carl B. Rubin of the U.S. District Court of the Southern District of Ohio found the combined total compensation of statutory fees and a contingency fee for Phillips "extraordinarily high." Noting, however, that the Supreme Court had in *Venegas* v. *Mitchell* (1990) found "no fault" in the fact that attorneys received both court-awarded fees and a contingency fee, a troubled Judge Rubin, in December 1992, allowed the total award to the attorneys to stand.

Justice appealed and, in November 1994, scored a big victory when three judges on the 6th Circuit sharply rebuked Judge Rubin for his decision; it vacated the $2.35-million award for attorneys' fees (including $1.8 million for Phillips's law firm), and asked the lower court to re-examine the question of statutory fees. The court also questioned whether the division of the bounty and legal fees was reasonable. Judge Danny J. Boggs also ordered the



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lower court to determine if Hall & Phillips's relationship with TAF violated ethical canons, particularly Rule 1.8(j) of *Model Rules of Professional Conduct*, which prohibits a lawyer from acquiring a proprietary interest in the subject matter of litigation. "If TAF is in fact a front for Hall & Phillips as well as a co-plaintiff in the case, then the ethical mandates of Rule 1.8(j) have been implicated," Judge Boggs wrote. He gave Judge Rubin broad powers to alter the final fee paid to Phillips, and stated that should TAF be denied standing as a plaintiff, the lower court could modify the division of the bounty among the parties.

In Killingsworth's own case, he claimed in a suit filed in California in 1993 that neither TAF nor Phillips had told him that Hall & Phillips would receive a contingency share of TAF's recovery in the case against Teledyne Industries. Killingsworth says Phillips persuaded him to share his recovery 50–50 with TAF, while assuring him that Phillips's only pay was to be the statutory attorney fees. Phillips says this charge is "absolutely false" and claims Killingsworth is "confused" about what was originally said.

According to Killingsworth's current attorney, Phil Benson, Phillips had a secret arrangement with TAF to take about 70 per cent of TAF's half of the bounty in *qui tam* suits against Teledyne and Northrop. Phillips's potential pay would, thus, include 35 per cent of the total bounty plus 100 per cent of statutory fees awarded to Killingsworth and TAF. Phillips does not deny these arrangements.

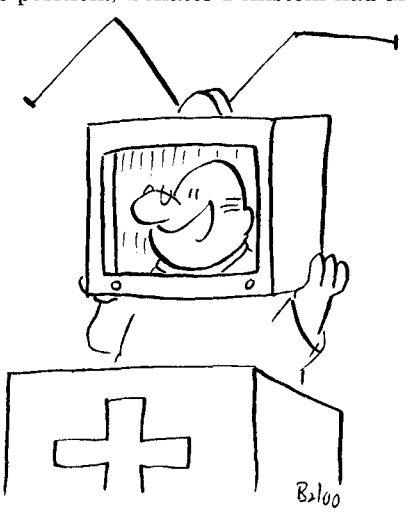
Apart from the money problem, the use of organizations like Taxpayers Against Fraud as co-plaintiffs in *qui tam* cases is troubling because it appears designed to confuse juries, leading them to believe that the action is solely in the public interest, and to conceal the motive of private gain. Also, a nonprofit co-plaintiff friendly to the *qui tam* attorney is useful in getting informers to give up part of their claim, in the belief that the money is going to support a nonprofit, charitable organization.

## *Protection against Favors?*

DEFENDERS of the False Claims Act argue that there are enough cases of foot-dragging in the face of urgent whistleblowing to justify *qui tam* lawsuits as a needed backup. "The king's business is still handing out boodle," says Ernie Fitzgerald, referring to the Federal Government. Nobody in power, he adds, including the Justice Department, wants to jeopardize the ability of politicians in the Executive Branch and in Congress to hand out favors.

While Fitzgerald's jaundiced view of Washington may be colored by his own experience, it is reinforced by Justice's recent abandonment of a *qui tam* case involving citrus growers in California and Arizona. On August 31, 1994, Justice asked the U.S. District Court for the Eastern District of California to dismiss 33 cases of alleged fraud brought in 1988 and 1989 by Sequoia Orange Company, an independent handler, against affiliates of the Sunkist Growers, Inc., an alliance of growers, packers, and marketers who dominate the California orange and lemon industry. Sequoia claimed that growers and packers who are affiliates of Sunkist had repeatedly violated U.S. Department of Agriculture (USDA) marketing orders establishing quotas for Valencia and navel oranges and lemons. Sequoia charged that Sunkist had benefited financially from those violations, to Sequoia's detriment, creating artificial shortages and higher prices for consumers. Justice had joined Sequoia as a co-plaintiff.

Justice's turnabout came shortly after Senator Dianne Feinstein (D., Calif.) made a second appeal to Assistant Attorney General Hunger to abandon the cases. (An earlier request in May had not moved Justice to change its position.) Senator Feinstein had already convinced the USDA to abandon support of the Sequoia cases.



*"Today's sermon is from St. Matthew, chapter five . . ."*

Senator Feinstein, who declined to comment on this issue despite several requests, held a number of conversations on the cases with Deputy Agriculture Secretary Richard Rominger early in 1994, according to correspondence between the senator and Rominger. Rominger said last year the decision to support dismissal of the Sequoia cases was made to bring "peace" to the industry and to end excessive litigation over marketing orders. Justice echoed the USDA, claiming that it sought "to restore order and fairness to the citrus industry." But James A. Moody, a Washington-based *qui tam* attorney, sees it differently. He says the change of heart at both departments came in response to pressure from Sunkist and Dianne Feinstein.

What is Senator Feinstein's interest in the case? Last November a nonprofit free-market organization called Farmers Alliance for Improved Regulation (FAIR) filed a complaint against Senator Feinstein with the Senate Select Committee on Ethics, claiming that she had improperly intervened to urge dismissal of a meritorious case. FAIR charged that her decision was influenced by at least $15,000 in campaign contributions from Sunkist between 1992 and early 1994, and that she and her husband, Richard Blum, had direct financial ties to a partnership (Newhall Land and Farming) that is affiliated with Sunkist Growers. After a *Los Angeles Times* reporter queried Senator Feinstein on the tie to Sunkist, she said that she and her husband no longer owned an interest in Newhall, yet she has provided no details to support her claim.

Sequoia won an important victory in this case March 3 when Judge Oliver W. Wanger of the U.S. District Court for Eastern California denied Justice's motion to dismiss the cases and ordered an evidentiary hearing June 20 to determine whether Justice acted arbitrarily in seeking dismissal.

Moody's experience as a *qui tam* lawyer has convinced him that the False Claims Act is "a great tool to pry loose those categories of cases that may not be prosecuted" because of political influence or because they are difficult to prosecute and may not lead to easy success. "There's a tendency [at Justice] to prosecute the small cases and let the big fry get by," Moody says,



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which occurs because of "the human tendency to build a score card." The law has worked to deter fraud, Moody claims, inducing federal contractors to oversee their own operations more carefully in order to ferret out fraud and waste.

Max Killingsworth's battle with Justice over the Northrop case involving the MX missile is another instance of Justice dragging its feet. When Killingsworth first brought the matter to the attention of the government in 1988, Justice declined to join him as a co-plaintiff, claiming there was insufficient evidence of a significant loss. Killingsworth pooh-poohs that explanation and says he had documents indicating fraud of $63 million. He claims that Assistant U.S. Attorney "Howard [Daniels] told me that the reason he didn't intervene in the Northrop case was that Northrop and the Air Force were in collusion to hide the costs of the inertial guidance system for the MX missile from Congress." (Daniels declined to comment.)

Killingsworth persevered in his case against Northrop until he was vindicated when, in July 1994, Justice reversed its position and offered to join as a co-plaintiff. Justice claims its change of heart came because Killingsworth finally had sufficient evidence of considerable fraud, estimated to total $111 million. In fact, Justice was dragged into the case again after Judge Terry Hatter of the U.S. District Court for the Central District of California asked the department to approve a $4.2-million settlement Killingsworth had worked out with Northrop. Justice refused because Killingsworth got $2.7 million while the government got only $1.5 million. When the court approved the settlement over Justice's objections, and it was upheld by the circuit court, Justice made a surprise offer to join Killingsworth and pursue the suit if Killingsworth abandoned his settlement. Killingsworth accepted the offer. Judge Hatter ignored this turn of events and reinstated the $4.2-million settlement. Justice is appealing that decision.

## *Mandate to Congress*

CONGRESS should hold oversight hearings on all the controversies that have plagued the False Claims Act, and it needs to hear from people outside the Beltway, including whistleblowers and government contractors. If Congress does investigate, it should consider new amendments that more carefully separate public from private interest. It should view with suspicion any claims that litigatory greed is always good. And it should take immediate steps to end fraudulent abuse of the False Claims Act.

Specifically, attorneys should be prohibited from earning both statutory fees and contingency fees. Contingency fees should be reduced when the defendant makes an early offer to settle the case. Also, attorneys should be prohibited from taking a proprietary interest in the bounty offered to whistleblowers, either directly or indirectly through affiliated organizations. And, finally, nonprofit organizations should not be allowed to sue as co-plaintiffs.

Congress should conduct periodic oversight of important cases that Justice refuses to pursue. Maybe then the revived False Claims Act can fulfill its promise and Senator Grassley can have something to crow about. □

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*A Duty to Live? Round One*

# MAKE MINE HEMLOCK

The author argues that unless there is a divine sanction, the law against suicide is without philosophical foundation.

**ERNEST VAN DEN HAAG**

BEFORE Christianity, governments were unconcerned with suicide, which was thought expedient in some circumstances and required by honor in others. However, with the coming of Christianity suicide became a sin, a violation of God's commandments. As unrepentant sinners, suicides were denied burial in consecrated ground and expected to end in Hell. Life was thought to be a gift from God, Who ordained its beginning and end. We possessed the life created by Him, but He owned it. Our possession could not license us to destroy what did not belong to us.

As the grip of Christianity weakened, this part of religion was secularized, as were many others. Suicide became a transgression against nature, not God, usually explained by mental derangement. Absent derangement, suicide was considered a crime against society, thought to own individuals more or less as God had been thought to before. Only in our time has it come to be believed that individuals collectively own society, rather than vice versa. They also are thought to own themselves. Without God (or slavery) no one else really could. Owners can dispose of what they own as they see fit. We thus each become entitled to control our life, including its duration, to the extent nature permits, provided that this control does not harm others in ways proscribed by law.

Very few people are inclined to commit suicide. But this hardly seems a good reason to prevent it, although sometimes it is asserted or implied that the unpopularity of suicide argues for its immorality and for preventing it. Yet, those who do not wish, or do not feel they have the moral right to, end their life can easily refrain. It is not clear on what grounds a government, or anyone else, could be entitled to prevent a competent person from controlling the duration of his or her life.

Although the foregoing view seems irrefutable, not everyone accepts it. It is contrary to tradition, wherefore many obstacles remain in the way of people who try to shorten their life. These obstacles can be nearly insurmountable for those who most wish to do so because of a disabling disease. They may be forced to go on living against their will. Even some healthy persons find the obstacles quite forbidding. They may have to jump out of windows, or use drugs which are difficult to obtain and of the specific effects of which they are not fully informed. Physicians and other experts, who do know the proper combination and quantities of drugs needed, usually refuse help, either because of moral objections or in fear of legal liabilities. They impose their own socially supported moral beliefs on patients who do not share them, but cannot act unaided. Dr. Jack Kevorkian is a rare and courageous exception.

Bonnie Gardner

To be sure, compassionate physicians may feel that terminal patients in extreme pain should be helped to end such pain. They may discreetly prescribe anesthetics which end suffering by ending life. There have been no successful prosecutions for this quasi-legal practice, although some unsuccessful ones have been brought and physicians who prescribe painkillers in the required quantities assume some risk. Physicians also may withhold life-prolonging treatment at the directions of patients or of legal guardians. Patients do have a legal right to refuse any treatment—though the extent of that right is not well defined. However, merely withholding treatment still may lead to an unnecessarily prolonged, stressful, and perhaps painful way of dying.

Even physicians such as Dr. Kevorkian, willing to take major legal risks, have helped only patients who were incurable and, in most cases, had reached a terminal stage. This takes the decision on whether to end life out of the hands of a mentally competent patient and places it into the hands of a physician, who must decide that the patient is terminal enough, or has suffered enough, before helping him to die. He may also refuse to help at all.

Giving physicians (or any other persons) the authority to veto a patient's decision seems unwarranted. Physicians are trained in how to treat diseases so as to prolong life. They are not experts on whether or not to prolong it. There is no training for making such a decision. Indeed, physicians are taught (*primum non laedere*) always to prolong life. No respect is instilled for the patient's wishes, if he prefers to shorten his life. Yet, whether and when to end a person's life is a moral, not a medical, decision, for the patient to make, not the doctor. The physician's task is to inform the patient of his prognosis, perhaps to advise him, and, above all, to help him carry out his decision.

*Mr. van den Haag is a retired professor and psychoanalyst.*



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Imagine a 20-year-old patient hospitalized for a condition which, although incurable, is neither terminal nor acutely painful. In the patient's rational, carefully considered view his condition denies him the pleasures of life. He wants to die, but needs assistance. Since he is neither terminal nor suffering unbearable pain, most physicians would be unwilling to help and would run a major legal risk if they did. Again, imagine a 90-year-old who feels that life is of no further interest to him, although he is neither terminal nor in pain. He too will find it hard to persuade a physician to help him die if he cannot do so by himself.

For good or bad reasons, people commit suicide every day. Since many would-be suicides act on impulses which may turn out to be temporary, forcing a moderate delay seems in their interest and legitimate—but is not to be confused with preclusion. Imagine now a healthy young man who, perhaps influenced by Arthur Schopenhauer's philosophy, has decided to commit suicide. Before he has a chance to kill himself, a traffic accident leaves him paralyzed and hospitalized, incurable but not terminal. He now has additional reasons to end his life but is less able, perhaps altogether unable, to do so unless aided. Although we do not make it easy, we cannot prevent an able person from ending his life anytime he wants to. But we can prevent a disabled person from doing the same. Thus we add to the disability nature or accident has inflicted.

This seems odd because our compassionate society usually goes out of its way to help the disabled overcome whatever handicaps are in the way of their desires. Employers are legally compelled to hire disabled persons, schools to make special arrangements to teach them. Public buildings and transportation are made accessible to the wheelchair-bound. Yet, when it comes to suicide, we refuse to allow any assistance to the disabled. We exploit their disability to prevent them from doing what able-bodied persons can do. On all other occasions we try to compensate for the disadvantages nature inflicts on some. Yet when assistance is essential to enable the disabled to commit suicide, we threaten to prosecute anyone who helps them.

Despite the receding influence of religious ideas and our official unwillingness to impose them, and despite the


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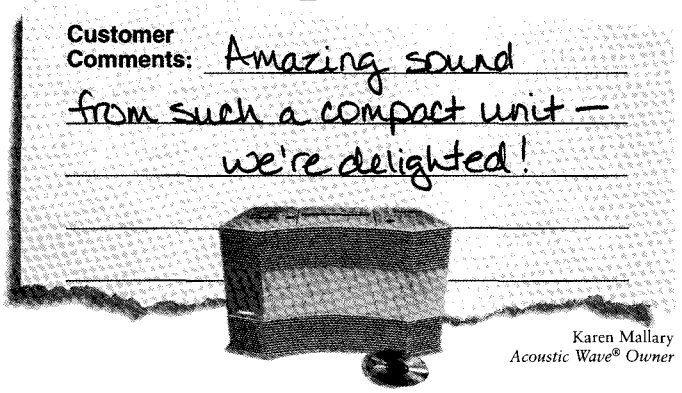


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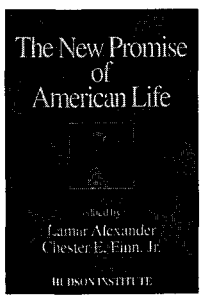


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precariousness of the notion that society has a compelling interest in preventing suicide, we continue to treat life as a social duty that individuals, however disabled, should not be helped to shirk. It is not clear to whom the duty to live could be owed. Once the government no longer legally recognizes God as the authority to which duties are owed, nature cannot have prescriptive authority to force unwilling persons to live, since such authority would have to come from God. Only society is left as the source of this alleged duty. But society cannot be shown to have a compelling interest in forcing persons to live against their will. Moreover, such an interest would hardly justify the cruelty involved. To be sure, the great majority has an instinctive wish to live. But why should we enforce the gratification of this wish on those who, for whatever reason, decide not to gratify it?

## *A Right to Die?*

SINCE, from a secular viewpoint, the moral right to die can hardly be less fundamental than the moral right to live, our non-recognition of the former must flow from unacknowledged residual theological notions which we have officially renounced imposing on non-believers. Dimly realizing as much, most persons opposed to assistance in suicide tend to avoid moral arguments in favor of prudential arguments. These are of two kinds. The first questions the mental competence of individuals who want to hasten their death. The second questions the disinterestedness of persons willing to help them. We must also deal with questions about ending the life of persons who are in a terminal phase of disease, but not mentally competent to make decisions, and of persons in a permanent coma. These are particularly sticky questions, since ending the life of these two classes of patients would be homicide, justifiable or not, rather than suicide, since, by definition, the patients do not make the decision themselves.

How can we assess the mental competence of a physically disabled person who decides on suicide? The task is daunting but not impossible. First of all, prejudicial notions must be discarded. A patient who wants his life ended need not be mentally sick, clinically depressed, or temporarily deranged. The idea that he must be mentally sick merely justifies a conclusion foreordained by circular reasoning. Having discarded prejudicial notions, psychiatrists, using their customary methods, can ascertain whether the patient knows who and where he is, and whether his mental processes are realistic and logical to the normal degree. A conversation about what led to his decision is apposite as well. Reasonable opponents of suicide, religious or not, may be invited to participate where feasible. (The whole process could be videotaped if the patient's competence is controversial.) Beyond the judgment of the psychiatrist, based on these data, nothing is needed. The patient's decision should be accepted.

Intellectual competence is to be investigated, not what is sometimes referred to as emotional health. "Emotional health" is not a clinical concept, but a moral concept quite amorphous and subject to fashion. It allows the imposition of moral views on a patient who may be diagnosed as emotionally ill if he does not share them.

How can we make sure that no one will be pressed to end his or her life by self-interested relatives, friends, enemies, or caretakers? What about undue influence? Safeguards have long been developed to make sure that a patient's decisions about his last will are uncontaminated. These safeguards can be used as well to ensure that his decision about assisted suicide is independent. Where there are problems with the medical prognosis on which the patient's decision may depend, these must be dealt with by means of second or third opinions.

As for the terminal patient who is incompetent or unconscious, if he has provided instructions while competent, they should be followed. If he has not, the decision of relatives and legal guardians must be followed, unless there is evidence to make them suspect. If the situation is cloudy (or if the patient has no relatives) the hospital could name someone, preferably a physician familiar with the patient's syndrome, but practicing elsewhere, to make the decision. If his prognosis and decision agree with those of the treating physician there is no problem. If not, the two physicians will have to ask a third physician willing to decide within 36 hours. Decisions should be independent of the views of hospital administrators and allow ending life when there is no chance of regaining consciousness.

Sometimes an analogy between assisted suicide and abortion is suggested. Indeed, opponents of one usually oppose the other as well; in both cases the opposition may ultimately rest on traditional religious ideas even if the opponents are not religious. But the analogy is misleading. Abortion destroys a fetus with the consent of the mother and usually reflects her interests. The fetus does not make the decision and cannot be consulted. Conceivably the fetus could have an interest in survival. If allowed to develop, the fetus may be expected to desire and enjoy life. In contrast, assisted suicide shortens the life of a patient who has decided himself that prolongation does not serve his interests. Surely, the normal fetus could not be assumed to have an interest in self destruction. The suicidal patient does. (Conflicts about abortion usually are about alleged fetal *v.* alleged maternal rights, with some denying fetal rights. But no one would deny that suicide patients are persons who have rights.)

Most arguments about assisted suicide can be dealt with in a reasonable, if not perfect, way. However, the "slippery slope" argument, though influential, is hard to deal with rationally. It suggests that, once we allow doctors to shorten the life of patients who request it, doctors could and would wantonly kill burdensome patients who do not want to die. This suggestion is not justified. The specter of Nazi practices is usually raised to make it credible. But Nazi practices were imposed on physicians and hospitals by political directives which did not evolve from any prior authority given physicians to assist in suicide. There was no "slippery slope." Nor can it be found elsewhere in medical practice. Physicians often prescribe drugs which, in doses greater than prescribed, would kill the patient. No one fears that the actual doses prescribed will lead to the use of lethal doses. No one objects to such prescriptions in fear of a "slippery slope." The "slippery slope" idea seems fortunately to be an unrealistic nightmare. Authorizing physicians to assist in shortening the life of patients who request this assistance no more implies authority to shorten the life of patients who want to prolong it, than authority for surgery to remove the gall bladder implies authority to remove the patient's heart. □



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# Mom, Apple Pie, and the CPUSA

ERIC BREINDEL

OVER the last two decades, most historians of Communism in America—perhaps not surprisingly—have tended to sympathize with the American Communist enterprise. Many are "red-diaper babies"—i.e., the children of Party members and/or sympathizers. Others, to be sure, came to their radical-Left sensibilities without familial encouragement. In either case, however, their purpose has been to depict the CP as an indigenous populist movement—linked to the Soviet Union by bonds of admiration, but otherwise authentically American.

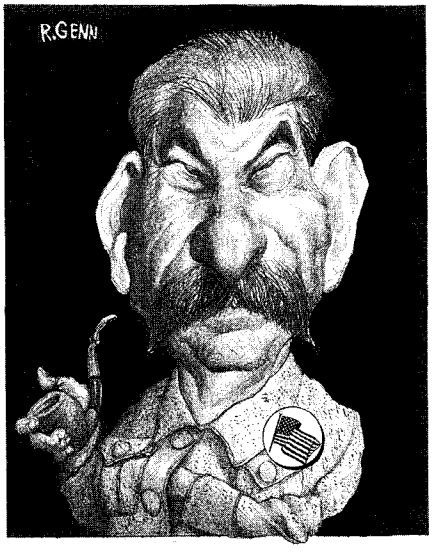
A need to advance this view preoccupied the Party itself virtually from its inception. The cause took on particular urgency during the Popular Front period. Indeed, Earl Browder, the CP's secretary general from 1930 to 1944, coined the Party slogan "Communism Is Twentieth-Century Americanism" precisely to refute charges that American Communists were an alien element—in effect, creatures of Moscow. Communists preferred to depict themselves as "liberals in a hurry," just as they claimed credit for much of the New Deal.

***The Secret World of American Communism, by Harvey Klehr, John Earl Haynes, and Fridrikh Igorevich Firsov (Yale, 348 pp., $25)***

Indeed, if one's only knowledge of the subject were gleaned from studies by sympathetic historians and memoirs by former activists, one could easily conclude that the CP played a key role in establishing everything from the Social Security system to the National Labor Relations Board. Such books tend to refer to the USSR only in passing—as if the Soviet Union were a distant, symbolic presence, rather than a daily factor in the life of the American Communist Party.

If establishing an image of distance from Moscow was desirable during the Popular Front years, it became imperative immediately after the Second World War—for two reasons.

First, news of Stalin's monstrous crimes—confirmed by Khrushchev in 1956, but scarcely unknown prior to the "Secret Speech"—required Americans Communists to insist on their discrete "American" identity.




Roman Genn

In addition, Soviet espionage in the U.S. was beginning to dominate the headlines. From the *Amerasia* affair to the Hiss case to Judith Coplon to the Rosenbergs, the question of Communist disloyalty was emerging as a central issue.

In *The Secret World of American Communism*, Harvey Klehr and John Earl Haynes—two pre-eminent students of the American Communist movement—together with Soviet archivist Fridrikh Firsov, demonstrate that espionage was a central Party function, not some rare aberration in which overzealous comrades occasionally indulged. The authors do so, moreover, on the basis of documentary evidence unearthed in the Comintern archive and in the archive of the CPUSA. Both collections are located in Moscow.

We learn that espionage was approved at the highest level of the American Party; that Browder himself was engaged in "clandestine work"; that Browder's own sister was a long-term NKVD employee; and that his successor as Party leader, Eugene Dennis, was a Comintern agent.

Even more important, Klehr & Co. demonstrate that the key Soviet espionage networks here were either CP subsidiaries or outgrowths of Party cells. The documents give independent confirmation that Whittaker Chambers, Elizabeth Bentley, and other refugees from the Communist underground spoke the truth. It's also clear that they and others engaged in espionage with the knowledge and approval of the aboveground CP.

In short, *The Secret World of American Communism* puts paid to the lie that the CPUSA was a traditional American political party, entirely distinct from any espionage cells that might have been created by the Soviet clandestine services. (Admittedly, this comes as no surprise to *NR* readers; but the degree to which the Left has been successful in convincing the public at large on this point should not be underestimated.)

For obvious reasons, this subject is crucial to an understanding of the Party's role in American life: the CP, after all, could not claim to be a traditional American political party if it also devoted itself—even in part—to spying on the U.S. Government.

Thus the importance to American Communists of insisting on the innocence of, say, the Rosenbergs and Judith Coplon. These were public Party members or sympathizers; their espionage work, therefore, linked the Party itself to Moscow.

By contrast, a captured Russian spy such as Rudolf Abel (arrested by the FBI in 1957, Abel was swapped for downed U-2 pilot Francis Gary Powers in 1961) posed no special threat to the CPUSA. Abel (real name: Willy Fischer) was a Soviet citizen and KGB officer who happened to be stationed in America; his role was akin to that of a CIA agent based in the USSR. And, in-

*Mr. Breindel is editorial-page editor of the* New York Post *and a syndicated columnist. He co-hosts the weekly television program* Flashpoint.



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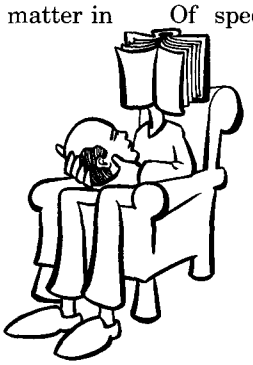
deed, Abel—an "illegal" who had assumed the identity of a dead U.S. citizen—took pains to limit his contact with American Communists while he lived here.

It's well to recall that Earl Browder himself, shortly before his death in 1973, acknowledged that the CPUSA had been involved in espionage. To be sure, Browder presented the matter in a decidedly benign fashion: "We [the Party] had people who would inform us from the enemy camp because they sympathized with our position," he explained to a UPI correspondent, going on to note that "we didn't consider it espionage."




It's worth mentioning that, to Browder, "enemy camp" meant the U.S. Government; "inform" meant deliver secret information; and "[people who] sympathized with our position" meant fellow Communists. It's also safe to assume that, unlike Browder, U.S. authorities would have considered "it" espionage.

In the end, *The Secret World* vindicates philosopher Sidney Hook's insistence on the relevance of the distinction between "heresy" and "conspiracy" in discussions of the U.S. Communist Party. In *Heresy, Yes—Conspiracy, No!* (published in 1953), he maintained that while Communist "ideas" represented ordinary heresies—which liberals had no reason to fear—the same could not be said for actual Party activities. The CPUSA constituted an active conspiracy: it was secretive, loyal to a foreign power, and dedicated to the clandestine infiltration of American cultural and political institutions.

Insofar as Party members used the rights and privileges of U.S. citizenship, argued Hook, in order to advance the purposes of a foreign government—a regime that was hostile to the very civil liberties that facilitated its agents' efforts here—the CPUSA could not be depicted as a legitimate political undertaking.

In vindicating Hook's conclusion, Klehr, a professor of history at Emory University, and Haynes, a Library of Congress archivist, employ a highly judicious tone. Indeed, the care and the caution that inform *The Secret World* bespeak an allergy to sensation of any kind.

But for all their circumspection, the authors demonstrate conclusively that John Reed was on Moscow's payroll; that Armand Hammer—notwithstanding lifelong denials—was a money-laundering agent of the USSR; and that Moscow-based Pulitzer Prize winner Edmund Stevens—a *Christian Science Monitor* correspondent—was long a secret Party member.

Of special interest is the Klehr–Haynes finding that U.S. Communists—working under Moscow's direction—played an important part in the murder of Trotsky. Here, too, their research serves largely to confirm much that had already been alleged. But it's increasingly clear that the "Trotsky project" was, for all practical purposes, a joint undertaking between the Soviet secret police and the U.S. Party's underground networks.

Also noteworthy are the revelations about the Abraham Lincoln Battalion, the Americans who volunteered—under Communist Party auspices—to fight Franco in Spain between 1936 and 1939. The authors have discovered that a considerable number who had been deemed military casualties were killed after "disciplinary" proceedings. Some had been accused of ideological deviation; others had been labeled spies; still others had wanted merely to exercise their "contractual" right to return home after serving their hitch and, as a consequence, were shot as "deserters."

"Lincolns" who were identified by KGB talent-spotters as potential agents, and were trained for underground careers at spy schools in Spain, represent another subject on which Klehr and Haynes shed new light. One such veteran, a New Yorker named Morris Cohen, became an important Soviet espionage operative. He and his wife participated in the theft of atomic secrets at Los Alamos, fled this country when the Rosenbergs were arrested, and turned up in Britain some years later as Peter and Helen Kroger; at the time, they were posing as dealers in rare books.

The "Krogers" were arrested in England in the context of a notorious 1961 naval spy scandal: their house, it turned out, was a veritable radio station, equipped for high-speed "burst" transmissions to Moscow. Eventually—in 1967—the Cohens were exchanged for Britons who had been jailed as spies in the Soviet Union. Lona Cohen apparently died last year; Morris Cohen still lives in Moscow on a government pension.

Klehr and Haynes have managed to locate Cohen's official Lincoln Battalion background questionnaire, which they reproduce. A handwritten document, it is informed by an absolute faith in Communism's ability "to build a better world for the masses." While Cohen allows that he would like to "return to activity in the American labor movement," he suggests that "if circumstances require my presence elsewhere, similar to the Spanish struggle against Fascism, I would go there."

Morris Cohen—Party member and Lincoln Battalion volunteer—struck his Russian superiors as an ideal espionage recruit. Their comments on his questionnaire reflect unmitigated enthusiasm; it's no surprise that he was selected for "clandestine work."

Some other issues documented by Klehr and Haynes should be noted. The degree to which the Party underground devoted itself—beyond espionage—to waging war on non-Stalinist leftists (some Trotskyists, some ordinary Socialists) is mind-boggling.

Also fascinating is the attitude of the American CP and of Moscow toward cooperation by U.S. Party members with the Allied war effort. It has long been accepted that Communists—with the acquiescence of General William Donovan, chief of the Office of Strategic Services (OSS)—became especially active in that agency, which proved to be the forerunner of the CIA. But there is much more to the story, and Klehr and Haynes demonstrate—as did Herbert Romerstein in his recent study of the Lincoln Battalion, *Heroic Victims: Stalin's Foreign Legion in the Spanish Civil War*—that the CP's role in World War II is shrouded in myth and falsehood.

First, revisionist historians who claim that U.S. Communists—disillusioned by the Hitler–Stalin pact, but still devoted to the Party—volunteered their services prior to the Nazi attack on the USSR are simply lying. Just as the CP itself opposed American entry into the "imperialist war" until the Soviet Union was attacked, so did its underground cadres.

And many who then signed up for OSS work were instructed by Mos-



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cow—via the official leadership of the American Party—not to engage too deeply with Donovan's agency.

Klehr and Haynes show that an incipient CPUSA–OSS joint project, which had been supervised by Eugene Dennis, was terminated in 1942 by Comintern head Georgi Dimitrov, acting in consultation with intelligence officials in Moscow. The Soviets were worried that the joint project would compromise their intelligence networks in the United States and elsewhere. Individual Party members, however, were still encouraged to infiltrate the OSS.

Obviously, there is more—much more—in these pages. But the best summary of this book's significance is provided by Klehr and Haynes themselves. They describe the CPUSA as "a conspiracy financed by a hostile power that recruited members for clandestine work, developed an elaborate underground apparatus, and used that apparatus to collaborate with espionage services of that [hostile] power." This just about says it all.

It need only be added that an enterprise of this kind isn't everybody's definition of "Twentieth-Century Americanism." □

# A Worm in the Apple

DAVID GELERNTER

PETER Huber and Sven Birkerts each stride bravely into the ring to take on the computer, nine-hundred-pound gorilla of modern culture. They land some good punches, score lots of points, and keep us interested. Huber thinks computers are good because, when they are em-

***Orwell's Revenge: The 1984 Palimpsest, by Peter Huber (Free Press, 374 pp., $22.95)***

***The Gutenberg Elegies: The Fate of Reading in an Electronic Age, by Sven Birkerts (Faber & Faber, 231 pp., $22.95)***

bedded in electronic networks, they promote freedom. Birkerts doesn't quite say they are bad, but he argues that the "electronic culture" they foster is bad for reading, and that is a damning indictment. Neither book is convincing in every particular, but the basic claims are sound. Of the two books it is more urgent that you read Birkerts's.

Huber's is a complex book about a simple thought: Orwell was wrong. Orwell invented a device called the "telescreen" and scattered it all over the nightmare world of *1984*'s London, where it entertained people with rubbishy propaganda and spied on them simultaneously. In dreaming up the telescreen, Huber thinks, Orwell was envisioning a machine much like a modern computer in a network—only, envisioning it wrong. In Orwell's book, all London's telescreens are controlled by the gruesome Ministry of Love. But, Huber claims, in the technical nature of things such a system must inevitably have evolved into a modern decentralized computer network. Old-style dumb telescreens would have grown powerful (the way dumb computer terminals turned into powerful desktop computers) and learned to chat with one another at will. In the end they would have become instruments not of enslavement but of liberation. "If Orwell had doublethought his telescreen to its logical conclusion, he would have foreseen the day in which the proles do the watching and the Party is whipped into submission."

This is one mighty delicate argument, and Huber deserves credit for sheer nerve in undertaking it. When Orwell writes *telescreen* (Huber says) we ought to read *computer*; when we do, *1984*'s big mistake comes clear. Except that (of course) Orwell didn't write "computer," and his telescreens compute nothing. They merely transmit and receive. Yes, it is *conceivable* that they might have evolved into computers. But in the world Orwell imagines that seems extremely unlikely, and certainly it is no mere obvious inevitability that pops out like perfectly done toast when you take Orwell's thinking "to its logical conclusion." The fact is, you have to *want* new technology. You have to be smart enough to build it and rich enough to pay for it. It doesn't wash in with the tide. The Federal Aviation Administration, after all, still controls air traffic with mainframes from the 1960s.

I believe the book's underlying claim: computer networks are liberating. They allow people to circumvent established institutions and organize themselves in the manner they choose. I even believe that this fact throws ironic light on *1984*; certainly "telescreen" does suggest "computer." But I don't understand why you would want to read the book *entirely* by the light of this one faint, flickering irony.

Orwell was wrong on another count too, Huber reports. He thought that socialism would make the masses rich, that free markets must inevitably impoverish them; and he merely had it backward. This part of the argument is solid. There is nothing novel about it, but what makes it interesting is Huber's illuminating exploration of Orwell's own discomforts and uncertainties about the socialist conclusions he had drawn. Huber's book is, among other things, a fascinating study of Orwell.

The form of Huber's book is unusual. He has taken fragments of Orwell's own prose, mainly from *1984*, and pasted them together so as to tell a story more or less opposite to the one in *1984*—a story in which telescreens are the heroes. Chapters of this new story are interleaved with chapters of commentary. The maneuver succeeds. Huber has managed to assemble a coherent and interesting book in a wildly unorthodox way. I don't know that this technical feat matters particularly, when all is said and done, but it's a neat trick.

So read *Orwell's Revenge* by all means. Only do not join Huber in the sin of complacency. He is sure that freedom has had the last laugh, that *1984* is self-evidently a failed prophecy, that our task is to figure out how such a smart man could have gotten it so wrong. But the reigning tyrants of Communist China or North Korea or Cuba, of Libya or Syria or Iran or Iraq (and never count Russia out), would be delighted to use computers to brutalize their peoples and may yet figure out how to do it. Huber seems to think that over the long run, computers are intrinsically liberating. Don't believe it. No technology is better than its masters.

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Birkerts's book is a welcome reminder of a fact we already knew: that there is nothing more beguiling in readerdom than a thoughtful man's story of his life. *The Gutenberg Elegies* is a collection of essays all dealing with reading and some also with computers. But the "autobiographical fragment" is the longest by a large margin, and it is the spiritual center of the book. Birkerts is the American child of Latvian parents. The memoir takes him from childhood through college and a subsequent period during which he wants to be a novelist, setting him down finally at the point where he discovers his vocation as a book reviewer and essayist.

So many important facts are omitted that the narrative seems at times oddly detached, as if the author were reciting not quite of his own volition—perhaps under sedation or mild hypnosis. He retreats to the coast of Maine with a girl named S. and they happily cohabit. Then he leaves her, and is plunged into depression when he learns she is married. But who on earth *is* S? We don't learn what he saw in her or what she looked, sounded, or thought like. We hear a lot about books, but (again) not so much about authors or why Birkerts cares for them. And yet: the memoir tells growing-up anecdotes that will make any book-obsessed reader smile and nod. And as a stylist Birkerts is cool and unassuming, but occasionally he squeezes off a sentence that hits so perfectly it makes the crowd gasp. When he has succeeded in getting into a book, "I feel a tug. The chain has settled over the sprockets; there is a feel of meshing, then the forward glide." If you write sentences like that your books are worth reading, whatever they are about.

The other essays are like the memoir: if not wholly satisfying, eminently worth reading. The first centers on a frightening but too-familiar story. In the fall of 1992, Birkerts teaches a college course about American short stories. He assigns "Brooksmith" by Henry James, and the class crumples. His students can't cope with "prose of any density" or "indirect or interior passages" or "any deviations from straight plot." Evidently James might as well have been writing Sanskrit. Every observant college teacher has noticed comparable symptoms: too often, the students they have been sending us over the last few years can't think straight.

Birkerts attempts to pin the blame on the "electronic culture." The attempt fails. Imagine teaching Henry James to a class of coal miners, say, in the north of England in 1930. You won't get far, but the culprit isn't Nintendo; it's a lousy education. Our schools have been teaching garbage for decades and, lo and behold, the students emerge ignorant. Education is in the hands of "experts," and too many are unwise; parents know better but are intimidated by "expertise." (I argued recently with another parent over a policy decision at the school my young boys attend: But that decision was taken by the Education Committee, I was informed in rebuking tones, *and they're all experts!* Which is worse, bowing to tyrants or turning off your brain in the presence of "experts"?) If I were running the conservative movement (but unfortunately I wasn't the last time I checked), it would drop everything and concentrate every ounce of energy on changing the way we educate our children. The threat posed by our idiot schools overshadows all others.

An essay about hypertext makes the obvious but useful observation that, as a literary medium, it misses the point. In a hypertext system, the computer allows you to assemble fragments of text and read them off the screen in any sequence that appeals to you, without guidance from the author, as if you were a bird gaily weaving your nest out of random bits of trash. But if you sacrifice literary *architecture*, the logical unfolding of an argument or a plot, you sacrifice literature. "I am unpersuaded," says Birkerts. Hypertext "has me clinging all the more tightly to my books, the very idea of them." It's a good piece, but Birkerts forgets to point out that hypertext literature isn't merely bad, it's silly. Rotten education is a grave evil; hypertext-as-literature is a bit of nonsense that will blow away as soon as the next good fad kicks up. But the author's calm and earnest tone (like Dewar's) never varies.

Occasionally Birkerts writes an ugly sentence or, what amounts to the same thing, an academic one. "This does not mean that I am privileging the genre above all others." Wherever he talks about literature he needs to cite more examples, so as to pin his thoughts down and dissipate what sometimes threatens to turn into a pall of abstraction. Nonetheless: when he describes a super-duper, fancy-schmancy electronic compendium ("on CD-ROM and videodisc"!) for classical scholars and then, instead of swooning, coolly informs us that "being a curmudgeon is a dirty job, but somebody has to do it," this reviewer feels like hugging him. And when he glumly announces that "the whole familiar tradition of books" is "destined for imminent historical oblivion," I don't believe him, in part because of this book. New technologies don't materialize automatically, and old ones don't throw themselves off cliffs; they have to be pushed, and we will never allow that "whole familiar tradition of books" to die. We may come close but will catch ourselves in the end, because people like Birkerts are still writing books like this. □

# Crime and Punishment

LORRIN ANDERSON

MAYBE you've started to scout around for some light summer reading. Keep looking. *Crime*, a hefty collection of essays by the country's most distinguished criminologists, isn't it. But you might want to dive in anyway, if only for the guns, drugs, gangs, cops, genetics, prisons, media violence, family breakdown. And some surprises.

*Crime*—the grand simplicity of the title suggests both the scope and the ambition of the project: to sum up the state of the criminologist's art and the implications for public policy as the hot winds of contention buffet Washington and the state capitols. What's known. What's discredited. And what's problematic—which seems at times to be just about everything.

A never-ending upward spiral of crime? Not so. Crime rates zoomed in



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the Sixties and Seventies, but they've stayed more or less flat for the past 15 years, with one very frightening exception: homicides by young males, more and more often committed with guns.

America as crime capital of the West? Violent crime, yes. But serious property crime is actually lower in the U.S. than in much of the rest of the industrialized world.

Criminologists have learned a good deal since the eminent James Q. Wilson edited a similar but less comprehensive work more than a decade ago, especially about strategies to reduce crime—which show promise and which don't. This time around, Wilson and co-editor Joan Petersilia are joined by two dozen specialists in twenty fields of inquiry. There's some overlap, but the repetitions are less redundant than complementary—and sometimes conflicting: Wilson says he was looking for the best scholarship, not harmony. Insofar as discernible political views intrude, which is rarely, there's no consistent outlook. And the prose isn't half bad: there are occasional slides into sociologese, but, far more often, complicated concepts and connections are conveyed with a clarity that is probably a tribute to the editors as well as the authors.

Most criminologists think we rely on prisons too much—a view amply represented here. Wilson himself isn't so sure. On this point his own views are closer to what the lay public seems to want: more people sent away for longer

***Crime, edited by James Q. Wilson and Joan Petersilia (ICS Press, 650 pp., $69.95)***

***It's All the Rage: Crime and Culture, by Wendy Kaminer (Addison-Wesley, 203 pp., $22)***

terms. But incarceration has already risen dramatically since the early Eighties. Why didn't crime go down?

The evidence is ambiguous. Are liberals right about rising injustice? Are conservatives right about cultural decay? If you believe in "root causes"—from either perspective—it's conceivable that without the increase in imprisonment crime rates would have gone up sharply instead of holding steady. And one essay notes a provocative sidelight: Most people prosecuted for drug crimes have very high rates of non-drug criminality as well, so putting even minor drug offenders away might have the serendipitous effect of inhibiting crime in general.

As the book makes clear, there is little disagreement among scholars—of whatever political persuasion—that genetics and other biological factors play a role in criminality. Just how large a role is endlessly debatable, and there is always the danger of confusing correlation with cause. But there are "predictors," involving both nature and nurture. They do not, of course, "predict" that a given individual is going to become a criminal; they're just statistical risk factors, odds-increasers. Below-normal intelligence is a predictor. So, obviously, is sex: males—especially young males—account for most crime.

Poverty and race are predictors, but far less so in themselves than in combination with other factors, such as residence in an unstable neighborhood with a high level of various social pathologies, including widespread illegitimacy. In his essay "The Community," Robert Sampson notes that crime comparisons by race can be deceptive because poor blacks generally live in more chaotic urban settings than do poor whites, and community malaise is a predictor that feeds back to other criminogenic factors in a vicious circle. (Taking that a step further, it might not be such a stretch to argue that social science itself can be criminogenic: The reigning intellectual prejudices of the past thirty years, as translated into policies such as the attempt to coerce "racial balance" in the schools, have only increased racial isolation by driving whites out of the cities and intensifying the concentrations of poverty and pathology left behind.)

Wilson & Co. by no means ignore the racial aspects of crime, but they tiptoe through that minefield with a carefulness that, all things considered, is probably responsible as well as politic. Curiously, there is hardly a mention of capital punishment.

Devotees of that debate, however, can get their fix from Wendy Kaminer's *It's All the Rage*, a catchy title chosen, I guess, to convey the idea that America has become a very angry land, and that the anger distorts both public attitudes and public policy on crime.

A former public defender and the author of 1991's *I'm OK, You're Dysfunctional*, Miss Kaminer frankly opposes the death penalty, though not with the shrill absolutism you will encounter, say, on the editorial page of the *New York Times*. She presents both sides with some fairness. Unfortunately, she also loads the polemical dice, emphasizing the allegedly excessive costs of capital punishment, for instance. There's only a passing mention of the interminable appeals process.

And then there's the race rap. The sins of history notwithstanding, there is little scholarly evidence that racial bias pervades the criminal-justice system today. So race hawks such as Miss Kaminer focus on one remaining statistical anomaly: a murderer is more likely to get a death sentence if the *victim* is white. She neglects to mention studies that suggest plausible, nonracial reasons for the disparity. And luckily she has a remedy handy: the as yet unrealized Racial Justice Act, which would apply the statistical principles of affirmative action to the criminal courts.

Miss Kaminer's subtitle is *Crime and Culture*, and she has sensibly harsh things to say about oppression theology, the nobody-here-but-us-victims plaint that increasingly intrudes into criminal cases—the Bobbitts, the Menendezes, Colin Ferguson, et al. Her meditations on the politics of crime, on liberal and conservative perspectives, are occasionally stimulating, not always predictable, and frequently on target. But the book is also studded with dubious generalizations. Is it really true, for instance, that "our culture is laced with a desire for revenge"? Sure, the public gets scared and confused. And sure, politicians sometimes pander. But my own exposure to "our culture" suggests that most people who favor tough criminal sanctions—even politicians—are motivated not by bloodthirstiness but by rational, if debatable, considerations of crime control. Wendy Kaminer did not persuade me that it's all the rage. □

*Mr. Anderson is a former writer and producer for WNBC-TV News in New York.*



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# How Good They Were

JEFFREY HART

WHILE ostensibly writing about tennis, E. Digby Baltzell has in fact taken the occasion to say out loud, without flinching, what the late James Burnham once remarked to me: that, for men in America, the only plausible ideal of conduct is the idea of the Gentleman. What else is there? The Rock Star? The Cowboy? Norman Mailer's White Negro? The Underground Man? Huck Finn?

It is only one small mark of the greatness of this book that Mr. Baltzell knows that the idea of the Gentleman is not bounded by social class or by race. He knows that Arthur Ashe was the last Gentleman in tennis and, not coincidentally, the first champion (1968) in U.S. Open Tennis. Can you imagine Don Budge giving a linesman the finger?

***Sporting Gentlemen: Men's Tennis from the Age of Honor to the Cult of the Superstar, by E. Digby Baltzell (Free Press, 398 pp., $30)***

Mr. Baltzell recounts in rich and sometimes magical detail the history of tennis in relation to the larger culture, beginning with its origins as an upper-class sport in the 1880s. Its rise—like, indeed, the rise of American football (see Thomas Bergin's book *The Game*, about the Harvard–Yale game)—coincides with the period of Anglo-Saxon upper-class confidence and the hegemony of the idea of the Gentleman in the period before World War I. (Notice that Scott Fitzgerald has James Gatz trying to be an English Gentleman.) Mr. Baltzell cherishes the ideal, regrets its decline, and hopes for—somehow—its restoration.

He depicts the idea of the Gentleman as remaining strong enough after the Great War to absorb and acculturate poor boys. The idea "leveled up." Players threw points when they thought a wrong call had been made in their favor. Winning wasn't everything. Don McNeill actually threw points in defeating Bobby Riggs in five sets in the 1940 final at Forest Hills. In dress and demeanor, at least, all players tried to conform to the code.

Leveling up, I interject here, played an even more prominent role in other sports. Tennis and football rose as gentlemanly sports, whereas baseball became the sport of farm boys, mostly Southern hicks such as "Shoeless" Joe Jackson, an illiterate. Connie Mack, owner of the Philadelphia Athletics (of Mr. Baltzell's home town), told his players: "I will not tolerate profanity, obscene language, or personal insults from my bench. I will always insist as long as I am manager of the club that my boys will be gentlemen."

After 1968, maybe the worst year in the cultural history of America in all respects, we got pro tennis—the Big Money, Connors, McEnroe, and their ilk—and the move from Forest Hills to the awful Flushing Meadows and its potholes, a facility designed by a firm specializing in throughway tollbooths and *pissoirs*. (Fitzgerald foresaw it all. He wrote Flushing Meadows into *Gatsby* as the "valley of ashes.") Newspaper readers found themselves following not Allison Danzig but Bud Collins, who talks about "bageling" a set, meaning winning it 6 to 0.

Gentleman tennis players of the old sort were educated men. Can anyone imagine our superstars writing prose as good as Bill Tilden's? He disliked the great French player Jean Borotra. Wrote Tilden: "Borotra's personality was far more intriguing than his tennis. He was what passes for 'typically' French. That is to say, he had all the charm, warmth, glamor, and complete insincerity which is Paris." I think Pete Sampras and Michael Chang are trying to return decency and a respect for tradition to today's game; but the school of the Gentleman does not award "Pass" degrees.

As for players of the decades before 1920, described in fine detail by Mr. Baltzell, it is hard now to make evaluations. They are hard to see down the corridors of time. We have movies and comparative scores for Tilden. But the fabulous Doherty brothers? Or the handsome and impeccable Anthony Wilding, who was killed on the Western Front? How good *were* they?

Here is how Tony Wilding went to Cambridge University:

> While at Cambridge and afterwards, Tony Wilding liked to spend as much time as possible each winter playing along the Riviera. And he won many tournaments at Monte Carlo (following the Dohertys), at San Remo in Italy, at Cannes, and at Nice, where he retired the cup after winning it three years in a row without losing a set.

Now, I *say*. As a child player at the West Side Tennis Club in Forest Hills I gazed at photos of Tony Wilding, of the Dohertys. I had not an egalitarian bone in my body. My favorite dream headline was not HART ELECTED PRESIDENT. Nuts to that. It was HART WINS AT CANNES. □

*Mr. Hart is an emeritus professor of English at Dartmouth and a senior editor at* NR.

# Well Versed

WILLIAM A. RUSHER

COMIC verse, as a form, has probably been around almost as long as verse itself; I will concede a slight seniority to love poems. So it is a matter for celebration that we now have an *Oxford Book of Comic Verse* to take its place on the long shelf of *Oxford Books* of this and that.

John Gross, its editor, has done the job manfully, and in an introduction describes its boundaries. Venomous satire and bawdy lyrics are Out, but just about everything else—including (I think rightly) the lyrics of popular songs—is In. American examples, including verses by such Old Masters as Ogden Nash and Dorothy Parker, abound. But a volume that begins with portions of Chaucer (1340?–1400), and that doesn't scant the fifteenth, sixteenth, and seventeenth centuries, inevitably emphasizes the English (or rather British) contributions.

***The Oxford Book of Comic Verse, edited by John Gross (Oxford, 512 pp., $25)***

To get the negatives out of the way



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first, to my taste, anyway, the earlier selections in the volume tend to be not all that funny, probably because it was only a couple of hundred years ago that comic verse began to acquire that sharp edge so congenial to the modern sensibility.

Take, for example, Chaucer's description of the Monk:

*He was a lord ful fat and in good poynt;*
*His eyen stepe, and rollynge in his heed,*
*That stemed as a forneys of a leed;*
*His bootes souple, his hors in greet estaat.*
*Now certeinly he was a fair prelaat;*
*He was nat pale as a forpyned goost.*
*A fat swan loved he best of any roost.*

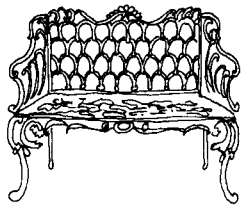
Mildly amusing, perhaps, but not exactly a knee-slapper.

It is only when we get to Alexander Pope (1688–1744) that we can hear unmistakably the sound of the snicker-snee. Here is his opinion of much of the pompous poesy of his time:

*Where'er you find "the cooling western breeze,"*
*In the next line, it "whispers through the trees";*
*If crystal streams "with pleasing murmurs creep,"*
*The reader's threatened (not in vain) with "sleep."*
*Then, at the last and only couplet fraught*
*With some unmeaning thing they call a thought,*
*A needless Alexandrine ends the song,*
*That, like a wounded snake, drags its slow length along.*

Another aspect of the collection about which I have reservations is Gross's readiness to include many examples of free verse. "Free verse," if by that we mean verse that has neither rhyme nor any dependable rhythm, has always—whether "comic" or not—struck me as a bit like playing tennis without a net: it's too easy. I have difficulty distinguishing it from prose.

Certainly the great masters of the comic genre have never had any trouble obeying self-imposed rules concerning rhyme and rhythm. Indeed, their skill at it can approach genius, as I believe it did in the case of W. S. Gilbert, Arthur Sullivan's justly celebrated lyricist. English comic verse has rarely if ever reached greater technical heights than it did in Gilbert's long description, called "The Nightmare," of a restless sleeper's dreadful dream:



*And bound on that journey you find your attorney (who started that morning from Devon);*
*He's a bit undersized, and you don't feel surprised when he tells you he's only eleven.*
*Well, you're driving like mad with this singular lad (by-the-bye the ship's now a four-wheeler),*
*And you're playing round games and he calls you bad names when you tell him that "ties pay the dealer";*
*But this you can't stand, so you throw up your hand, and you find you're as cold as an icicle,*
*In your shirt and your socks (the black silk with gold clocks), crossing Salisbury Plain on a bicycle.*

A century further on, Gross finds almost equal dexterity in a lyric by Michael Flanders that I first heard in its musical form on Broadway a couple of decades ago. It's called "Have Some Madeira, M'Dear?" and recounts the effort of an Edwardian roué to seduce a young lady with the help of alcohol. At the crucial moment, however,

*There flashed through her mind what her mother had said*
*With her antepenultimate breath:*
*"Oh my child, should you look on the wine when 'tis red,*
*Be prepared for a fate worse than death!"*
*She let go her glass with a shrill little cry;*
*Crash, tinkle! It fell to the floor.*
*When he asked "What in Heaven . . .?" she made no reply,*
*Up her mind, and a dash for the door . . .*

Perhaps the most complex comic verse form of all is the "double dactyl," of which Gross provides several excellent examples. In this form, which has eight lines, the first line must consist simply of "Higgledy-piggledy" (a double dactyl, of course), and the second must consist soley of a person's name which just happens to be a double dactyl (e.g., Gloria Vanderbilt or Thomas Stearns Eliot). Finally, the sixth or seventh line must consist of a single word which is a double dactyl. Gross offers, *inter alia*, this little masterpiece by John Hollander:

*Higgledy-piggledy,*
*Benjamin Harrison*
*Twenty-third President*
*Was, and, as such,*

*Served between Clevelands, and*
*Save for this trivial*
*Idiosyncracy*
*Didn't do much.*

And this one, by E. William Seaman and Eric Salzman:

*Higgledy-piggledy,*
*Ludwig van Beethoven*
*Bored by requests for some*
*Music to hum,*

*Finally answered with*
*Oversimplicity*
*"Here's my Fifth Symphony:*
*Duh, duh, duh, DUM!"*

If such intricacies are not for you, try instead the dry, relaxed wit of Bret Harte's "Plain Language from Truthful James," which describes how Harte and his friend Bill Nye tried to cheat a Chinese acquaintance in a game of euchre, which the Oriental protested he didn't understand:

*Ah Sin was his name;*
*And I will not deny*
*In regard to the same*
*What that name might imply . . .*

*But the hands that were played*
*By that heathen Chinee,*
*And the points that he made,*
*Were quite frightful to see—*
*Till at last he put down a right bower,*
*Which the same Nye had dealt unto me. . .*

*Mr. Rusher, the publisher of* NR *from 1957 to 1988, is now a Distinguished Fellow of the Claremont Institute.*



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*In the scene that ensued*
*I did not take a hand;*
*But the floor it was strewed*
*Like the leaves on the strand*
*With the cards that Ah Sin had*
*been hiding*
*In the game "he did not*
*understand."*

It could be argued that poetry is too serious a matter to be undertaken with a humorous intent, and that in any case most examples of comic verse fall short of what we would instantly recognize as true greatness. But, even so, there remains a spacious place for it in our literature. If it is true that, as Auden contended, of all our criteria for evaluating literature pleasure is the least fallible, then the case for comic verse will always be a powerful one.

Like all such collections, this one is for browsing. In it, you will find a satisfying number of gems. □

## FILM

# A Star is Born

JOHN SIMON

LET'S SPEAK about an exceptionally charming young actress, Sandra Bullock. It is my wife who, during a brief stint as a theatrical casting director, gave Miss Bullock her stage breakthrough, having picked her picture from among those of many other applicants. It was a terrible play, but I was able to give Sandra Bullock what I think was her first major rave. When she moved on to the movies, I was disappointed in her first appearance—in a dreadful American remake of the great Dutch thriller *The Vanishing*. But after that, everything she did was solid: you must, at the very least, have seen her driving that bus in *Speed*. In ***While You Were Sleeping*** she has an even tougher assignment: to carry the entire movie. And she does.

*While You Were Sleeping* is a mediocre concoction—indeed, not to put too fine a point on it, quite preposterous. The first film written by Daniel G. Sullivan and Fredric Lebow, it was directed by John Turteltaub, whose *Cool Runnings* I either missed or have totally forgotten. It concerns Lucy, an orphan working as a token clerk in a booth on the Chicago El. This is already absurd. In all my many years of riding subways—not, to be sure, in Chicago, but so what?—I have never seen a token booth inhabited by anyone remotely like Miss Bullock. I realize that romantic screwball comedies embellish things, but a young woman with half the charm, looks, and savoir faire of this Lucy ought to be running for President.

Daily, Lucy watches a handsome young man catch the train at her station as she spins fantasies about him. One day he is pushed onto the tracks, and Lucy rescues him from an oncoming train. He ends up in the hospital in a coma, and through an elaborate misunderstanding, the comatose man's family astonishedly accepts Lucy as his fiancée. He is Peter, a lawyer; his father and his brother, Jack, run Callaghan & Son, a company that disposes of dead people's furniture, a business also romanticized by the movie insofar as it is addressed at all. Because Lucy craves a family, she lets herself be sucked deeper and deeper into the role of Peter's fiancée, even though by now she has fallen in love with Jack and he with her, though, as always in such films, neither can guess the other's feelings. To complicate matters, Lucy's oafish landlord has the hots for her, and Jack keeps coming upon them in situations misleadingly suggesting a relationship—perhaps the hoariest wheeze of them all.

If you think that this sounds shopworn and phony, you are absolutely right, and it is only the half of it. The film cheats in a number of ways. Lucy lives in a very nice apartment in a very nice part of town—on what? Her best female friend is a black colleague; her best male friend is a prosperous, middle-aged black businessman, with whom she regularly shares lunch hours at an outdoor hot-dog stand, situated, naturally, in Chicago's most photogenic spot. Okay for her to do so, but the businessman would be more likely to put on the dog than to stuff in a hot dog. The best friend of the Callaghans, without whom they never seem to venture abroad, is Sol, Peter's godfather and a Jew. Thus do we learn what fine liberals both Lucy and the Callaghans are. There is something facile even about the way both Christmas and New Year's Eve are schematically drawn into the story. Especially suspect is a scene where Jack walks Lucy home and they keep slipping on the ice for minutes on end into each other's arms. Alone, at other times, neither of them slips so much as once.

Whimsical weirdness escalates: a fellow lawyer and sports opponent of Peter's improbably confesses to Lucy to having accidentally poked out one of Peter's testicles with a pen in his trouser pocket during one of their games; this information, unknown to all the other Callaghans, proves that Lucy really is Peter's fiancée. "Look at it on the bright side," says one of the Callaghans, "he's got more room in his jockey shorts." Asked what her father was like, Lucy replies, "He was a lot like me: dark hair, flat chest, and stuff." That one of the writers is Catholic, the other Jewish, guarantees evenly divided Catholic and Jewish jokes and adds to the aura of opportunism.

The mentality, morality, and sensibility of the film are emphatically retrograde. Peter Gallagher sleeps well as Peter, and is properly dazed when he wakes up affianced, especially as he already has another fiancée, a married woman—yes, that's the humor of it! Bill Pullman, for the first time in a wholly sympathetic role, is a personable but somewhat uncharismatic Jack; such fine actors as Glynis Johns and Peter Boyle are wasted on lesser Callaghans. Jack Warden doesn't quite make it as a sweet Sol: something about his slitty eyes and crinkly face demands less lovable roles.

But, making up for everything, there is Sandra Bullock. She has the same warmth and vulnerability as another fine young actress, Marisa Tomei, but she is more feminine, less tomboyish. Though she is never less than adorable, she is not a classic beauty; rather, it is an inner loveliness that at moments inundates her face, and you can actually watch fresh young girlish

*Mr. Simon is NR's film critic.*



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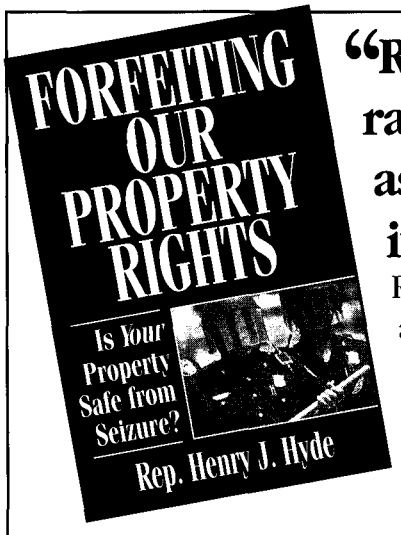
looks suddenly ripen into womanly transcendence. It finally doesn't matter how good a movie *While You Were Sleeping* is; it is a Sandra Bullock movie, exuding her special grace.

■ Much praise has been lavished on ***Kiss of Death***, a remake (the second) of a 1947 thriller admired by both James Agee and Pauline Kael. That film, written by Ben Hecht and Charles Lederer, starring Victor Mature and Richard Widmark with a powerful supporting cast, and directed by Henry Hathaway on New York locations (a novelty in those studio-bound days) was impressive for its time. It got its atmosphere unsettlingly right, made of the teeth-baring and disturbingly giggly Widmark a star on his first try, and elicited perhaps the best performance of Mature's career.

This remake, directed by Barbet Schroeder (a Frenchman who can out-Hollywood Tinseltown), offers us Nicolas Cage and David Caruso in the two main roles of a loathsome gangster and the ex-henchman who turns stoolie on him. The script is by Richard Price, a mean-streets expert with a good ear, and the cinematography is by the distinguished Italian Luciano Tovoli. Here, too, are authentic New York locations, this time in color. Price's screenplay considerably updates this tale of a reformed criminal manipulated by a crooked D.A., and how this man is susbsequently hounded by the fellow he fingered, whom the D.A. self-servingly fails to put away.

Our hero is played by David Caruso, who made his name in TV and was thus unknown to me. A reddish blond with a pug face—a cross between a fair-haired boy and a Pekinese—Caruso has a petulant quality as well as a certain daintiness bordering on dullness, neither especially suitable here. As for Nicolas Cage, in the Widmark role, he radiates his customary abject stolidity laced with petty nastiness, not genuine menace. The third lead—the decent cop—goes to Samuel L. Jackson, fine as usual, but in serious danger of overexposure.

The most interesting work comes from Stanley Tucci, as the dishonest D.A. (Brian Donlevy in the 1947 film). Tucci's every word seems to be written (or spoken) in oil; yet you enjoy kidding yourself he might be on the level, so innocently pleased does he seem with himself. The two women, Helen Hunt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and Kathryn Erbe, though interesting actresses, have too little to do. But there is a nice bit from Michael Rapaport as the hero's thieving, thuggish cousin, with a chewed-off left ear that somehow epitomizes the banality of evil. As in 1947, the New York locations, savvily chosen by Schroeder, kick in with their ambiguous appeal.

Despite all this, the film has something passé about it. The stakes are lower than they would be today; the strippers go-going about their work in the background of the scenes in Cage's joint are by now a cinematic cliché. The battle of wits seems less about who can outsmart whom than about who manages to be dumber than the next fellow. Tovoli tries to use color sparingly and grittily, but we have become so used to sensational cinematography that such down-pedaling looks like an error. Perhaps the best that can be said for *Kiss of Death* is that the plot is not so convoluted as to be impenetrable. If that is the result of old-fashionedness, there may be some good in that after all.

■ Marlon Brando makes only the rarest screen appearances these days, picking with an uncanny flair the worst movies. There may be reasons for this—good money, favorable working conditions—but he makes it very hard on his admirers. Never harder than with ***Don Juan DeMarco***, a piece of amateurish idiocy written and directed by one Jeremy Leven. The film is too stupid to be discussed here (or anywhere), but Brando gives a relaxed, tongue-in-cheek performance as an over-the-hill psychiatrist having a last fling treating a youth who goes around in Don Juan attire and thinks he is the Don. As Johnny Depp engagingly plays the character, he achieves a mild, sublunatic credibility. But second only to Leven in liability, there is Faye Dunaway as Brando's wife. The sex scene with Brando bulging in every part and Dunaway face-lifted to the point of imminent skin-burst promised to be the horror show of the year; whoever thought of playing it in pitch blackness deserves the Jean Hersholt Humanitarian Award. □

## *DELECTATIONS*

# Once More, with Panache

LINDA BRIDGES

AMERICAN Ballet Theatre is back!

Theoretically, to be sure, it was never away. It continued to put on seasons each year in Washington, D.C., and New York City, and on tour across the country. But something was slipping away during the decade when Mikhail Baryshnikov was artistic director, and that something is now fully back in place in Kevin McKenzie's third year at the helm.

Mr. Baryshnikov's installation as artistic director in 1980 was widely heralded, but intensely controversial. On the personal level, pushing Lucia Chase out after 35 years was a bit like sending the Queen Mother into exile. On the artistic level—of rather larger long-term significance for the company—it's a truism that the very greatest performers seldom make good company managers. Whether it's because they're too impatient with lesser talents, or too accustomed to seeing the stage through the eyes of their specialty, they seldom do as well as people who weren't superstars in their active performing careers—people like Miss Chase (by contemporary accounts, a very witty dancer in comic pieces such as Agnes de Mille's "Three Virgins and a Devil"), Ninette de Valois (founder of the Royal Ballet, who had been a fine dancer but never a prima ballerina), or Kevin McKenzie himself (an excellent partner, with an elegant line, but not to be compared technically with sometime colleagues such as Rudolf Nureyev, Fernando Bujones, or Baryshnikov).

Truisms aren't always true, but this one was in Baryshnikov's case. Granted, he couldn't be blamed for anno Domini; and one of the things that made his tenure difficult was the aging and eventual retirement of several of the constellation of stars Miss Chase and Oliver Smith had assembled—Cynthia Gregory, Nataliya Makarova, Baryshnikov himself—and the rather less gradual self-destruction of Gelsey Kirkland and Patrick Bissell. Others (most dramatically, Bujones) broke with the company when at the height of their powers. There were some countervailing acquisitions (notably Alessandra Ferri and Gil Boggs), but much of the excitement was gone.

The programming suffered, too. This is subjective, to be sure. Many ballet-goers share ABT's fascination with Twyla Tharp, which in any case neither began nor ended with Mr. Baryshnikov. And in the good old Lucia Chase days, one could get tired of the regularity with which "Pillar of Fire" and "The River" turned up on mixed programs—especially as Sallie Wilson's balances got wobblier and wobblier.

But the mixed programs under Mr. Baryshnikov were increasingly less mixed—three little pieces, equally themeless, each of which gave a dozen or two dancers a chance to make different patterns across the stage to sprightly or portentous music. The full-length ballets were often good, but since they depend so much more on their leading dancers, they started to deliquesce with the various departures, and the corps—which had started to look something like the Royal's or the Paris Opera's under Miss Makarova's coaching for *La Bayadère*—was losing its esprit.

Rome isn't rebuilt in a day, and some evenings at ABT still sparkle less brightly than others (as they always have done). But things have steadily been looking up. Nina Ananiashvili brought her long legs and marvelous balances to the company in 1993, to the immediate benefit of *Swan Lake*. Last year's repertory included a revival of Antony Tudor's "Echoing of Trumpets," far from a pleasant ballet (it represents the aftermath of a Lidice-like massacre, unhappily relevant in these days of Bosnia), but then Tudor's not-always-pleasant ballets are an integral part of Ballet Theatre's history, and the use of movement in this one is quite brilliant. Also featured was the première of "Cruel World," by a young Canadian choreographer, James Kudelka. I had to miss it last year, but friends whose taste I trust found it an enjoyable series of twists on the partnering conventions, and feminists hated it, and so I'm glad it is being done again this year.

The second night of this season was a perfect example of how mixed programs ought to work. The evening

*Miss Bridges is* NR*'s managing editor.*



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started with *Les Sylphides*, the quintessential white ballet, soft tulle and early Chopin with a few bravura bursts. Marianna Tcherkassky, who has been with the company through all the changes of regime, has lost a bit of ballon but none of her style; Ashley Tuttle was precise and elegant as the other female lead; and of Vladimir Malakhov, more in a moment.

Next on the program was Lar Lubovitch's "A Brahms Symphony," also to Romantic music, but the resemblance stops with the period of the composers. This music is big and urgent, not playful or reflective; the dancers are costumed in vivid colors; and the mode is neither classical nor romantic ballet, but modern dance. This was the New York première of this version, in which Mr. Lubovich used Brahms's fourth movement, omitted from his original version for his own company. Ballet dancers never look quite the same in modern as dancers brought up in that idiom, but they can bring their own flair to it. I particularly liked the curve of the arms in some of the fast turns.

The program finished with *Gaïté Parisienne* and its *roués, poules de luxe*, and can-can dancers somewhere in Montmartre. You wouldn't want a whole meal of spun sugar, but a bit goes nicely for dessert.

Back to Vladimir Malakhov. What ABT most sorely lacked during the Baryshnikov regime was brilliant male dancing in the leading roles. You had some excellent partners (Bissell, McKenzie), and some brilliant dancers in *caractère* roles (Danilo Radojevic, Johan Renvall, Gil Boggs), but, with dwindling exceptions, not the two together. Malakhov, new to ABT this year, was born in Ukraine and trained at the Bolshoi school, but he chose to go on to the Moscow Classical Ballet, where he could dance leading roles right away, instead of going to the Bolshoi, where he would have spent years working up from the corps. Tall, handsome, and elegant of line, he gave a reading of Albrecht in *Giselle* that ranks with the finest. There are many ways to play Albrecht in the first act. Is he a man in love with two women (as Ivan Nagy used to play him), or a bit of a cad (middle-period Nureyev), or merely a young man out for a bit of romance before he enters into an arranged marriage (Erik Bruhn)? Malakhov opts for the third choice. At the end of Act I, he is haughty rather than shattered. That will come later, after Giselle has saved him from the implacable Wilis. And in the meantime, we have seen some dancing—*cabrioles* skimming along the diagonal of the stage, *grands jetés* that hang in the air—worthy of his great predecessors.

Even more surprising was Jeremy Collins, who has been a principal dancer with ABT for three years and how on earth have I missed him? Also tall, elegant, and handsome, he made the warrior Solor in *La Bayadère* as sympathetic as one can. (Radames in *Aïda*, confronted with the same problem—he loves slave girl; princess loves him; princess's papa insists on a royal wedding—shows rather more gumption.) Collins also, in the Kingdom of the Shades scene, did a series of *doubles assemblés* to make the heart soar.

Bravi, Collins and Malakhov—and bravo, McKenzie, for restoring ABT's panache. □

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## KUDLOW

(Continued from page 30)

with average U.S. performance since World War II. By using CBO figures, the House has probably underestimated the revenue line by as much as $225 billion. But at least critics will have to concede that the numbers are honest (if static).

Many commentators believe the House version moves too slowly in the early years, where spending savings average only $83 billion in 1996–1997, but grow to a $366 billion saving in 2001–2002. As a share of GDP, spending drops from 21.8 per cent in 1995 to 20.2 per cent in 1998, a drop of only 0.5 per cent of GDP per year.

This is why the argument advanced by White House chief economist Laura Tyson, "that it exposes the macro-economy to considerable downside risk. . . that might cause or exacerbate a recession" is sheer poppycock. As even a good Keynesian should admit, reducing the so-called demand-side stimulus each year by less than 1 per cent of the overall economy is a small drop in a large pond.

On Medicare, no one has criticized White House intransigence more than former Clinton OMB Senior advisor Matthew Miller. Writing in the *New York Times*, he reminded Leon Panetta, who had earlier argued that Republican proposals would "make Medicare a second-class health care system," that in 1993 the Clintons argued for "control of the growth of Medicare and Medicaid spending in the long-term and thereby supplement the deficit reduction in this economic program." Miller notes that yearly savings in health proposed this year by Republicans are virtually identical to Clinton policies unveiled two years ago. "It is hard to understand how a goal the Administration considered reasonable only two years ago can seem unthinkably draconian today . . . It will not rally much support by hypocritically attacking cutbacks in Medicare and Medicaid or by resisting the idea of balancing the budget altogether."

However, not everyone in the White House agrees with President Clinton. A close friend of the President, who agreed to speak to me on condition of anonymity, reveals there is a White House faction which believes in a compromise with the Republicans, if the President is to have any chance of reelection next year. "Clinton's polls, after a bump from Oklahoma City, have already started slipping," this source said. "He must get in the game and compromise on taxes and Medicare if he is to have any political standing. He can then bask in the afterglow of Republican achievement. Perhaps voters next year will stay with both a Republican Congress and a Democratic President that can get important things done, but without going to extremes." But the majority faction, my source tells me, still believes that total opposition to the Republicans is the key to regaining Congress and keeping the White House. Though the sides are not yet entirely clear, it seems that the liberal left Hillary–Harold Ickes group wants confrontation, including Leon Panetta at least for now, while Treasury Secretary Robert Rubin leans toward a deal. OMB Director Alice Rivlin is a prospective compromiser, as is Tyson, though publicly they are taking a hard line.

Push will not come to shove until late summer, when the reconciliation bill will come up for final vote. Right now the GOP strategy is to pass the no tax-cut Domenici budget in the Senate, then move back to the Kasich plan in conference. Senator Phil Gramm will offer a tax-cut amendment on the Senate floor, but it will not pass. But no less an authority than Senate Republican Whip Trent Lott told an Empower America gathering "I do not support Chairman Domenici's marks on defense or taxes. When the budget resolution comes out of conference it will have a capital gains tax cut, a phased-in version of the kiddie tax credit, elimination of the corporate alternative minimum tax, and an end to the marriage penalty. Later on this year, we may use the debt-ceiling opportunity in an expansive way, like a big net into which we put the entire catch. This will be the critical moment."

So, there will be much jockeying in the weeks ahead, but the big battle is in September or October. Financial markets have rallied this year—let's call it the Contract rally—on the bet that the President will agree to a deal and become relevant. But the market could change if Hillary's liberal fundamentalism wins at the White House—or if Senate Republicans balk. Two large obstacles in the way—but Hurricane Newt is still gathering force. □



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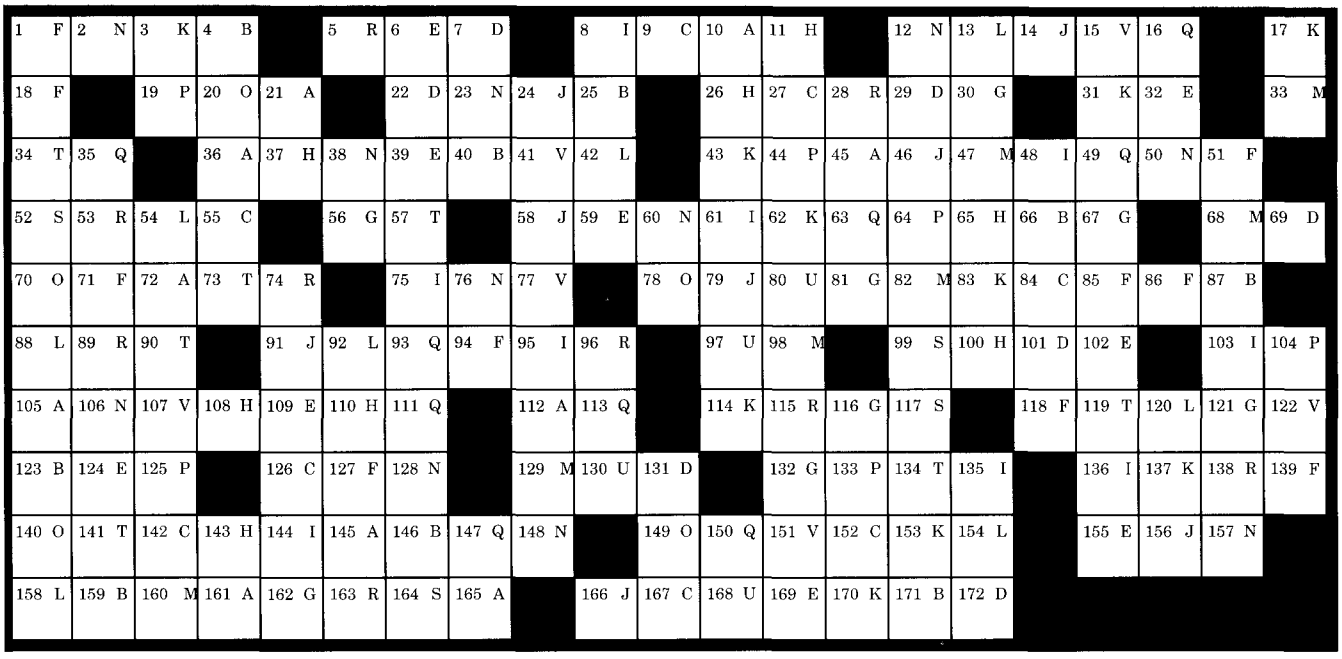
# TRANS-O-GRAM / Kem Putney




## DEFINITIONS

A. Exile — 10 36 165 112 145 161 105 45 72 21

B. Likeness — 146 25 159 87 40 123 171 4 66

C. Big Rush — 55 167 84 126 27 9 152 142

D. Slow one — 22 101 69 29 172 131 7

E. Recyclable Hollywood dog — 39 169 59 155 109 32 102 124 6

F. Like a certain disoriented cake variety — 127 139 51 71 94 85 118 18 1 86

G. Occasional — 116 56 132 81 67 162 121 30

H. Ethereal — 100 65 108 37 143 110 26 11

I. Odd — 95 103 48 135 144 75 8 61 136

J. A kind of parallelogram — 46 156 24 166 91 79 58 14

K. Western, by orientation — 137 62 3 31 17 153 83 170 43 114

L. Nth — 92 54 88 13 158 120 154 42

M. Sticky kind of jam — 33 82 68 129 98 47 160

N. Generous to a fault — 23 106 157 50 76 148 2 12 128 38 60

O. City in North Dakota — 149 70 140 78 20

P. Ordinary — 125 104 64 44 133 19

Q. Exaggerate — 150 147 35 93 113 63 49 111 16

R. Elm Street occurrence — 96 53 163 89 74 138 5 28 115

S. Bills — 99 164 52 117

T. Stimulate the memory — 134 141 57 119 90 73 34

U. Important office — 97 80 130 168

V. Close relative of Def. D. — 107 122 41 15 77 151

## DIRECTIONS

The object of TRANS-O-GRAM is to fill in the puzzle diagram by guessing the words from their definitions, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled in it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the words have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's Deluxe Unabridged Dictionary*, Second Edition.

**Solution to Last Issue's Trans-O-Gram.** [ANTHONY] DANIELS: *Their Problem*: "The republics, like the meals in the restaurants and literature under Stalin, are national in form but Soviet in content. Regimes come and go, but civilizations have a life of their own."



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## Yale's Scoop

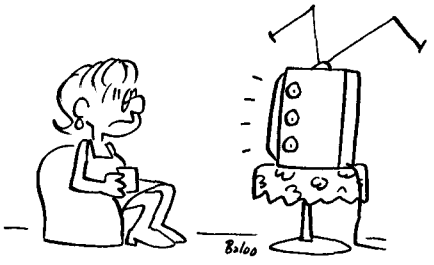
NEW YORK, MAY 12

Those who receive the *Yale Alumni Magazine* would not have been surprised if the cover of the current issue had been a photograph of Lee Bass or of Western Civilization (if anybody at Yale could have been persuaded to pose for it). But on the cover was: Senator Joe McCarthy. In his right hand he held a pointer, and he was using it to identify on a huge map the strength of the Communist Party of the United States in various states. Any alumnus breathless to learn whether the *Yale Alumni Magazine* had suddenly decided that Joe McCarthy had earned the respectability that sometimes attaches to those who appear on the covers of magazines quickly found his answer inside. The authors of the important volume, *The Secret World of American Communism*, are quoted as saying, "It is difficult to regard Senator Joseph McCarthy's assault on political civility as much more than the vicious partisanship of a political bully."

Yes, of course. But the author of the article writes elsewhere, "The reader [of *The Secret World of American Communism*] is left with the chilling feeling that in one sense, at least, the notorious Joseph McCarthy was right: Communists marching to a Moscow drummer were abroad in the land and looking for secrets, including atomic secrets, to pass on to their Soviet sponsors. However, nowhere in the archival files the authors have so far examined is there evidence that any of the people the fiery senator from Wisconsin tried to indict were actually guilty of their alleged crimes."

The wording there is a little nonchalant, given that Joe McCarthy never accused people of having committed "crimes." The man whom he named as his principal target, inviting to be judged historically on whether he was right or wrong in charging him, was Professor Owen Lattimore. But he did not charge him with a "crime." In fact, Lattimore was primarily a discovery of Senator Pat McCarran. His committee, after months of testimony, had concluded that Lattimore was "a conscious, articulate instrument of the Soviet conspiracy." But that really wasn't a crime, not unless it could be established that Lattimore had stolen the silver in a State Department dining room. What this extremely important new book absolutely establishes is something that most Americans with any knowledge at all of recent history never doubted. It is that the Communist Party of the United States was a Soviet instrument. To "establish" this isn't the kind of thing that gets you a Pulitzer Prize. It is on the order of establishing that O. J. Simpson killed his former wife.

But the Yale enterprise is of enormous consequence. The volume on *The Secret World* was done by three scholars, Harvey Klehr, John Earl Haynes, and Fridrikh Igorevich Firsov, under the general supervision of Professor Jonathan Brent of Yale. Mr. Brent, after arduous negotiation, entered into a deal with Russian authorities that has given American scholars access to heretofore secret Communist archives so vast as to bid for lifetimes of study. Already we have one volume of the letters of Stalin to Molotov and a second dealing with the American Communist Party. We learn, for instance, that John Reed, the idealistic hero of the ideological avant garde, the subject of a glorifying Hollywood film, *Reds,* featuring Warren Beatty, was paid more than one million dollars for his work for the Communists. We learn that Armand Hammer, the cosmopolitan oil tycoon who specialized in finding justifications for everything the Communists did, laundered money for the Soviets. As for the CPUSA, it was not just one other political lifestyle, it was an operation of the Soviet Union. All those idealists who whooped it up for Henry Wallace back in 1948 were being orchestrated by Uncle Joe Stalin.



*"Tonight's top story: the terrorist here who's holding a gun to my back."*

The essay in the Yale publication nicely handles the difficulties of such a trove. Yale's Mark Steinberg, an associate professor of history at work on two volumes in the projected series, gives an example. "Say you find an order to shoot someone. Do you take it at face value? Was the order ever carried out? Who was it written for? Is the source reliable? What were the motives of the author? . . ." Stalin gave a lot of orders orally; so did Lenin. Although Yale has access to four hundred million pages of documents, secret-police archives and sections of the Presidential Archives remain off limits. What could be hidden there? Lenin's drunken evaluation of Karl Marx? Stalin's after-dinner smoker jokes about Soviet–American friendship?

Whatever. Historical revisionism is an endless project. But Hollywood can get started any time with a new version of John Reed's life story. □

## New York's Welfare Struggle

NEW YORK, MAY 5

In New York State the popularity of Governor George Pataki is down (33 per cent approval). The bumper-sticker explanation is that he is reducing welfare payments in order to reduce taxes on the rich. In New York City there was a most enormous fuss when Mayor Rudolph Giuliani was said to have remarked, after proposing a $700-million reduction in welfare payments, that the measure might cause some of the welfare recipients to leave town and that that would be "a good thing." A few thunderclaps later, the mayor's office denied he had used the words, "good thing."

The attack on Giuliani was especially virulent in the *New York Observer*, a highly literate weekly which when it touches ideology becomes a hate-screed. Its headline: "A Modestly Priced Poor Proposal:/Hey, Rudy! Send 'Em to Stockholm!/Welfare Crack Flap; Green Says Mayor's Heart/'Couldn't Get Through Airport Metal Detector.'" The story's labored funny-line was that Giuliani should consider buying airline tickets for New York's welfare recipients to travel to Sweden, where the poor are guaranteed free lodging, food, medical care, and abortions. When the author was finally done with the Swedish roll,



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he reached back and quoted Roger Starr twenty years ago as having opined that the time had come to ask serious questions about urban welfare. Starr had said that the city "should not encourage people to stay where their job possibilities are daily becoming more remote . . . Our urban system is based on the theory of taking the peasant and turning him into an industrial worker. Now there are no industrial jobs. Why not keep him a peasant?" The author informs us that Mr. Starr's remark had "contributed to his departure as Mayor Beame's commissioner of the Housing and Development Administration." This is in fact false.

The handling of Roger Starr in that way perfectly captures the know-nothingism of the assault on Giuliani. Roger Starr is among the best-schooled urbanologists in the country, a deeply rooted liberal who spent many years studying the housing problem and, until retiring, served on the editorial board of the *New York Times*. His point—that cities should not encourage immigration when they have nothing of professional or economic advantage to confer—has the bite of acid reality. New York State and New York City are damaging themselves by profligate welfare policies. Under Governor Cuomo, New York confirmed itself as the wastrel state. As it now stands, New York's per capita welfare load is 11 per cent higher than that of runner-up Massachusetts. New Yorkers pay $3,532 per capita in state and local taxes, 70 per cent more than the average of the other states.

Now this responsibility is not entirely that of Democratic governors. Thirty years ago Governor Nelson Rockefeller ignored a recommendation by a special state committee that would have imposed a one-year residency requirement on welfare applicants. The idea was to try to diminish the number of those who elected to come to New York, not because there was economic opportunity here but because welfare was given out in prodigious relative amounts. Governor Rockefeller prevailed, and the mess festered.

The basic question surely begins with what it is that the genuinely indigent most need, to which the answer is: food and shelter. The need for shelter is an aspect of the harshness of the climate. If one is poor and homeless one cannot endure a winter in New York City without suffering pains not inflicted on those who live in the South.

New York is listed as the second most expensive city in the United States to live in, a mere one point under San Francisco. Rudimentary common sense argues against attracting chronic welfare mothers and children to a city in which life is tough, crime high, dope especially tempting, as it is for those who seek escapism. It is surely Mayor Giuliani's point a) that welfare can't be unlimited, and b) that no compassionate purposes are served in attracting the indigent to a city where unemployment is higher than the national average and the cost of living as unattractive as the winter weather.

Whatever the vicissitudes of public life, Messrs. Pataki and Giuliani are taking measures that should bring strategic reward. □

## *Superstitions Abounding*

NEW YORK, MAY 16

The philosopher Alfred North Whitehead wrote somewhere along the line that societies are best understood by studying what isn't discussed. Because what isn't discussed is what is generally accepted, what is axiomatic. A fine example of the point was given when, with the revival of interest in Shakespeare in the nineteenth century, dramatists in London looked for specific dimensions of the Elizabethan stage—looked and looked without success. Nobody who attended Shakespeare's plays had bothered to record the dimensions of the stage. It occurred to one researcher to look in the files of Philip II at the Escorial, where he found exactly what he was looking for: in a letter to the King written by his ambassador to Great Britain. The foreigner showed a natural curiosity over measurements Englishmen took for granted. One way, probably the best way, to inquire into what is taken for granted today is to tune in on a talk show.

Some social assumptions are deeply embedded, for instance that public education should be free. Others took root more recently, but some of these are accepted as social postulates. Yesterday the subject was Medicare, and the woman who called in informed the host that the Republican Party was taking health care away from the poor in order to swell the coffers of the rich.

The host made a valiant effort to point out the nature of the problem. He told her that while 10 per cent of the American people today are over 65 years old, in ten years that figure would increase to 12 per cent. Moreover, he said, every year there is progress in medicine, and although the age at which one dies is not infinitely elastic. Moreover, medical progress means more expensive procedures. Twenty years ago, 70,000 patients underwent bypass surgery at a cost of $10,000 to $15,000 each. In 1993, 330,000 bypass operations were performed at over $40,000.

Under the circumstances, said the host, Congress simply *has* to do something, and the Republican bill proposes to curb only the rate of growth of Medicare spending, the final figure continuing to grow. The Republican plan would reduce annual increases from 10 per cent to 7 per cent. In ten years, he said, the annual cost of health care would be equal to the entire sum of the budget today, $1.5 trillion.

The lady would not budge. Time was dissipated in challenges made to the figures used, but neither host nor guest ever touched on the planted axiom of the question, which of course has to do with the responsibility of others to take care of the health needs of the aged.

Who are the others? They are 1) those among the aged who have taxable income, 2) those younger than the aged who have taxable income or who pay payroll taxes, 3) corporations that pay tax.

Most of us subscribe to the convention that those in need should be helped. But it is only that, a convention. The host might have said to the questioner: Start from the beginning . . . Any expense for health care for the aged that is paid for other than by the recipient or his insurance company is, substantially, a gift. We tend not to think of it as a gift because the transaction has been desiccated by the conduits of vessels that transmit the gift. The money goes from the donor to the government in tax withholdings and makes its rugged way through bureacracies and agencies and hospitals and doctors' offices, to the patient, where it arrives somewhat emaciated from its efforts.

But it really is exactly that, a gift. But the point necessarily arises, What happens when the donors feel they are being asked to do too much? If a donor says, Look, last year I contributed a thousand dollars to the Medicare program, but I am not willing to increase that contribution by 10 per cent every year. What a lot of people are saying is that the aged are being asked to contribute money to the rich.

To penetrate that paradox—that the donor's desire for a floor on their philanthropy equals a gift from the recipients to the rich—is to disestablish one of our governing superstitions, and if Mr. Gingrich succeeds in this, he should invite the Spanish ambassador in to record how it was done. □

*(Universal Press Syndicate)*



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# Saying It with Flowers

IF I had a better idea of what it meant, I might use the word *frisson* to describe the sensation I got reading a sexually explicit book and coming across my own name. "Startled" might be a better word; "freaked out" also. At the time, though, none of these words leapt to mind. What leapt to mind, and what I said, was, "Holy s---!" (And if you think it's easy pronouncing those dashes, just try it.)

The sexually explicit work in question is *Passion and Betrayal*, the account by Gennifer Flowers of her long dalliance with Bill Clinton, who until very recently was President of the United States. I am but a minor character in their saga. In its pages I never appear undressed, never take drugs, never fear for my life. My body is not racked by heaving sobs, nor does it tingle from head to toe with a passion unlike any I had ever experienced. These activities are undertaken only by the main characters, Miss Flowers and her erstwhile beau, and they are recounted, as if you couldn't guess, in exquisite detail. Would you like to know the nickname of the presidential penis? Do you hunger to learn what color of lingerie makes our Commander in Chief stand up and salute? How about the First Lady's interest in bilateralism? Then *Passion and Betrayal* is the book for you.

It is not, however, the book for me, and this puts me in a pickle, for as Miss Flowers's lubricious memoir is passed from one gasping reader to the next my name will be inextricably tied to hers. All journalists, as frustrated *artistes*, crave immortality. Now that I've got it, it turns out to be not at all what I had in mind. And in truth the fault is mine alone. My one encounter with Gennifer Flowers occurred about a year ago, when a daytime TV talk show—nationally syndicated!—asked me and two other magazine-types to appear with her. At the time she was busy marketing a series of audio tapes of phone calls she had recorded between herself and Bill Clinton. By selling them, at $20 a set, she hoped to dispel once and for all the allegations that she might be a golddigger. (It didn't work.) We journalists were brought in to cast a world-weary gaze over Gennifer's claims and render our professional judgment. As it happened I was the only one who gave them any credence—or as she puts it, rather too simply, "took her side."

"When it comes to reporting stories like mine," Miss Flowers writes in a reflective moment, "the mainstream media in this country has [*sic*] shown supreme arrogance." But not me! *She likes me.* On the TV show, she continues, "Andrew Ferguson of the *New York Times* [*sic, sic, sic*—I'll get to this later] was given about 15 seconds to make his case, and was able to make an excellent point." That's just Gennifer, being kind. It's true those 15 seconds flew by, but my point wasn't really so excellent, and I won't bother to repeat it here. But I will make a couple of other points, which I think are excellent, by way of correcting the record and clarifying, for all time, my role in the life of a woman who has published a book that contains not only my own name but also the line, "I had turned my breasts into hand puppets!" (exclamation in original).

First, I don't think I really have taken Gennifer Flowers's side in her tiff with Bill Clinton. How long the affair lasted, who said what when, who broke up with whom, how much Hillary knew or cared—these are questions best left to the interested parties themselves, and upon them I remain firmly agnostic. Second, I have never worked for the *New York Times*; and now, of course, I never will. Third, I am made uneasy by being included, as Gennifer's text might be construed to do, in a group she calls "the precious few"—that hardy band of courageous supporters who have never failed her. As she tells us elsewhere, "Precious" is the nickname, for her genitals. I am a married man.

FOR now, anyway. My wife has read the relevant parts of *Passion and Betrayal*, without incident. But it is as a father, rather than a husband, that I am most concerned. Though stonewalled by the press, the book is in wide circulation, in a kind of samizdat, within the anti-Clinton community—a community that has come to include all of the North American land mass with the exception of a few precincts on the Upper East Side of Manhattan and the entire town of Brookline, Massachusetts. My son is close to school age. Kids are cruel and taunting, as we know, and worse, they never get the story straight. With suffocating dread I await the day, surely not long from now, when my beautiful boy comes to his father after a rigorous working over from the bullies in the schoolyard, and with eyes wide as saucers pops the deadly question: "Daddy, is it true you went on TV and pretended a lady's breasts were hand puppets?"

—ANDREW FERGUSON

*Mr. Ferguson is a senior writer for* The Washingtonian.



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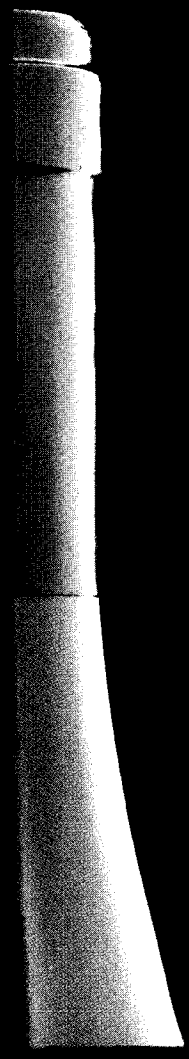

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